

4/28

MSA.S. 1829-5774

6/6

KLS
Comments
6/13/06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

May 17, 2006

Ms. Patricia Garrett
Town Administrator
Town of Chesapeake City
PO Box 205
Chesapeake City, MD 21915

Re: Chesapeake Inn Banquet Facility Buffer Variance

Dear Ms. Garrett:

I have received the above referenced application to construct a banquet room addition within the 100-foot Critical Area Buffer. The property is currently developed with a restaurant, marina, concrete and board walkways and parking area. The property is designated Intense Development Area (IDA) and a Buffer Exemption Area (BEA). No new impervious surface is proposed.

Based on the information provided, we do not oppose this variance. However, I would like to bring some concerns to your attention. It was difficult to assess from the site plan whether the proposed structure was the minimum necessary and whether alternative locations that meet the BEA setback requirements are possible. It is the applicant's responsibility to overcome the burden of proof and demonstrate they can meet each one of the Town's variance standards. This includes whether the proposal results in the minimum variance necessary to afford relief of an unwarranted hardship.

Should the Town approve this variance, the applicant must treat the area for stormwater to meet the 10% pollutant reduction requirement. We also recommend the require planting at a ratio of 2:1 for the area of redevelopment in the Buffer. Plantings should consist of native species and be a mix of shrubs and trees.

Thank you for the opportunity to provide comments for this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions please feel free to call me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and includes a long horizontal flourish at the end.

Kate Schmidt
Natural Resource Planner
CY266-06

cc: Mary Ann Skilling, MDP

*Maryland Department of Planning*

May 15, 2006

Robert L. Ebrlich, Jr.
Governor*Michael S. Steele*
Lt. Governor*Audrey E. Scott*
Secretary*Florence E. Burian*
Deputy Secretary

Ms. Patricia Garrett
Town Administrator
Town of Chesapeake City
P.O. Box 205
Chesapeake City, Maryland 21915

Re: Chesapeake Inn Banquet Facility setback variance

Dear Patricia:

I have received the above referenced variance to construct a banquet room addition to the existing restaurant within the 100-foot Critical Area Buffer. The property has a Critical Area designation of Intensely Development Area (IDA) and is within a Buffer Exemption Area. The site plan provided shows the property has an existing restaurant, marina, a concrete and board walkway and parking area. As stated in my February 14, 2006 letter, the proposed banquet facility is within the Buffer Exemption Area, it exceeds the shoreward extent of adjacent structures, and is within the local setback for the M-1 District which is 30 feet.

In evaluating the request for a variance to the 100-foot Buffer Area, the Board of Appeals must consider whether the applicant has overcome the burden to prove that each of the Town's variance standards have been met.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the general Assembly reaffirmed the stringent standards which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law.

The State law provides that variances to a local jurisdiction's Critical Area Program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the Town's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Town must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

Upper Eastern Shore Regional Office
120 Broadway, Suite 10 Centerville, Maryland 21617-1000
Telephone: 410.819.4080 Fax: 410.819.4090

In this case, the applicant is proposing to build an addition to an existing structure (approximately 4391 square feet) in the Buffer. The new structure is within the local setback and is shoreward of the adjacent structure. The applicant must present competent and material evidence to show that he meets the burden of proof on each of the variance standards described below. Under the law as established by the General Assembly, even if there is nowhere else on the lot to sit the proposed building, the variance cannot be granted unless the applicant proves, and the Board finds, that without the variance, the applicant would suffer an unwarranted hardship, that is, "denial of reasonable and significant use of the entire parcel or lot."

Below I have outlined for the Board of Appeals each one of the variance standards that must be met by the applicant in order to receive the requested variance.

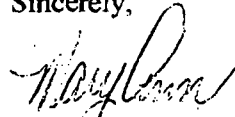
1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area Program that would result in an unwarranted hardship to the applicant.*
2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*
3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area Program to other lands or structures within the jurisdiction's Critical Area.*
4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical area law and the regulations.*

In conclusion, if the Board finds by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the Town's variance standards, we recommend mitigation in the form of native Buffer plantings be provided at a 2:1 ratio for the area of the new building in the Buffer.

Since I will be unable to attend this hearing, please submit this letter as part of the record for this variance. Once a decision is rendered, written findings of fact must be submitted to the Critical Area Commission.

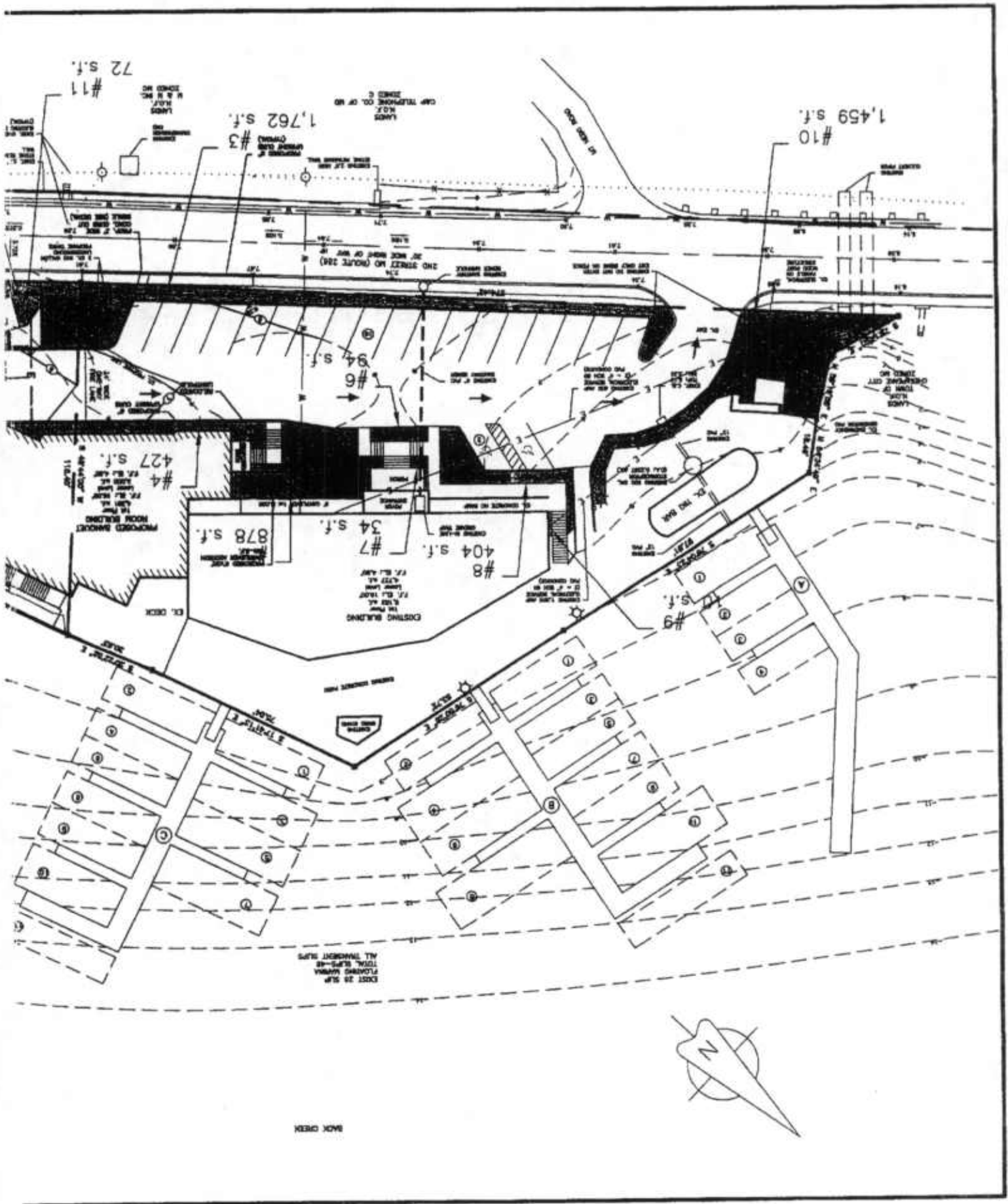
Should you or any member of the Board of Appeals have any questions regarding this letter, feel free to give me a call.

Sincerely,

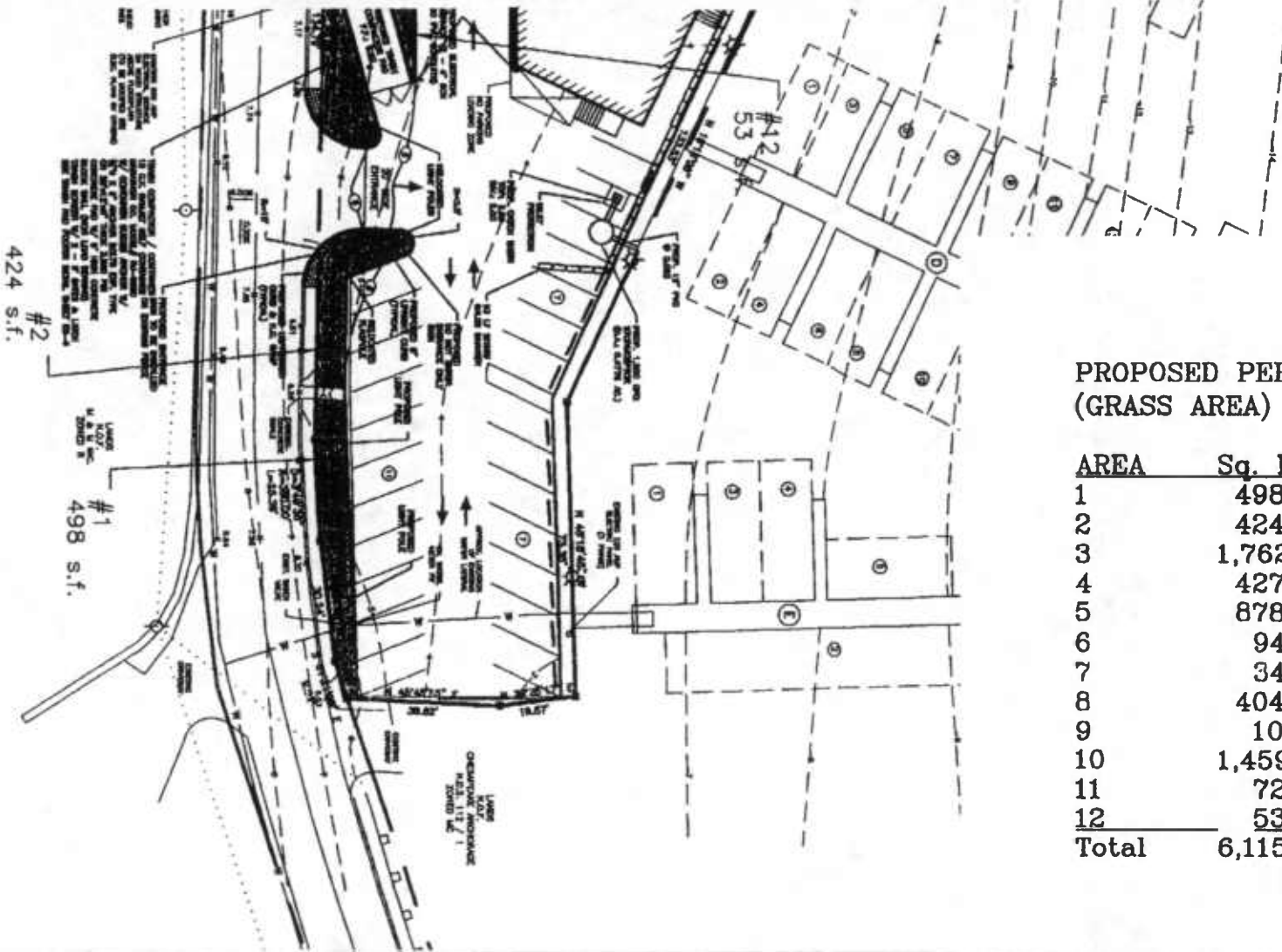


Mary Ann Skilling
Critical Area Planner

Copy: Kate Schmidt, Critical Area Commission
John O'Connell, Jr.



C:\OCONNELLUBO ENGINEERING\1170 Chesapeake Inn\1170 Sheets 1-2-6.dwg, 12/2/2005 9:55:57 AM



**PROPOSED PERVIOUS AREA
(GRASS AREA)**

AREA	Sq. Ft.
1	498
2	424
3	1,762
4	427
5	878
6	94
7	34
8	404
9	10
10	1,459
11	72
<u>12</u>	<u>53</u>
Total	6,115

**Proposed
Pervious Area
Plan**

CHESAPEAKE INN & MARINA
 605 Second Street
 Chesapeake City, MD 21915
 Town of Chesapeake City
 Cecil County

John B. O'Connell Jr. P.E.
 Architectural & Civil Engineering
 323 Jessica Drive, Middletown, DE 19709
 Phone: (302) 378-3088 Fax: (302) 376-1880

Date 11-10-05 Drawn By JBO
 Scale 1" = 40' Job No. 1170

CY 357-06

CRITICAL AREA COMMISSION

1804 West Street Suite 100

Annapolis, Md. 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: CHESAPEAKE CITY _____ **Date:** 5/15/06 _____

Name of Project (site name, subdivision name, or other): CHESAPEAKE INN BANQUET

ADDITION/VARIANCE _____

Local Case Number: NA _____

Project location/Address: 605 SECOND AVENUE, CHESAPEAKE CITY

Tax Map 200 _____ **Block** _____ **Lot** _____ **Parcel** 0081 & 0371 _____

Type of Application
(Select all applicable)

- Subdivision
- Site Plan
- Variance**
- Buffer** _____ **Slope** _____
- Imp Surf.** _____ **Other** _____
- Special Exception
- Conditional Use
- Rezoning
- Grading Permit
- Bldg Permit
- Intrafamily
- Growth Allocation
- Others _____

Type of Project:
(Select all applicable)

- Residential
- Commercial**
- Water Dependent
Facility/Pier/Marina
- Industrial
- Mixed Use
- Redevelopment
- Shore Erosion Protect.
- Agricultural
- Other _____
(e.g. PUD)

Current Use:
(Select all applicable)

- Residential
- Commercial**
- Agriculture
- Forrest/Buffer/Woodland
- Industrial
- Institutional
- Open Space/Rec
- Surface Mining
- Vacant
- Water Dependant
Facility/Pier/Marina
- Others _____

Describe Proposed use of project site: THE PRESENT USE IS A RESTAURANT AND MARINA AND THE OWNERS WANT TO EXPAND THE EXISTING BUILDING TO INCLUDE A BANQUET FACILITY WITHIN THE BUFFER. THE PRESENT BUILDING WAS ALLOWED TO BE BUILT IN ITS PRESENT LOCATION DUE TO A FIRE OF AN OLD RESTAURANT FACILITY THAT WAS ON THE EXISTING SITE (1996?). THE NEW BUILDING IS IN THE BUFFER AND FLOODPLAIN. PREVIOUS CONCERNS OVER FLOODPLAIN VIOLATIONS STILL EXIST FROM USE OF THE LOWER LEVEL OF THE EXISTING RESTAURANT. THE NEW FACILITY IS LOCATED WITHIN 12 FEET OF EDGE OF TIDE IN THE C&D CANAL. THERE IS NO VEGETATION WITHIN OR PROPOSED ALONG THE WATER'S EDGE.
A VARIANCE TO LOCAL AND CRITICAL SET BACK IS BEING SOUGHT.

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 1.05

IDA ACRES: 1.05

AREA DISTURBED: _____

LDA ACRES: _____

LOTS CREATED: _____

RCA ACRES: _____

#DWELLING UNITS: _____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: _____ FOREST/WOODLAND/TREES REMOVED _____

FOREST/WOODLAND/TREES CREATED: _____

EXISTING IMPERVIOUS SURFACE: _____

PROPOSED IMPERVIOUS SURFACE _____

TOTAL IMPERVIOUS SURFACE: .9096 AC

REMOVED IMPERVIOUS SURFACE _____

GROWTH ALLOCATION DEDUCTED: _____

RCA TO LDA: _____

RCA TO IDA: _____

LDA TO IDA _____

Local Jurisdiction Contact Person: PATRICIA GARRETT

Telephone Number: 410-885-5298

Fax: 410-885-2515

Response from Commission required by: 5/18/06 _____ **Hearing Date: 5/18/06** _____

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 12, 2006

Ms. Patricia Garrett
Town Administrator
Town of Chesapeake City
PO Box 205
Chesapeake City, MD 21915

Re: Underground Storage Tank and Marine Fuel Station
Chesapeake Inn & Marina

Dear Ms. Garrett:

I have received the above referenced application to install underground storage tanks and a marine fuel station at the Chesapeake Inn & Marina. The property is currently developed with a restaurant, marina, concrete and board walkways and parking area. The property is designated Intense Development Area (IDA) and a Buffer Exemption Area (BEA). No new impervious surface is proposed.

Since the site is designated BEA, the applicant should provide mitigation plantings at a ratio of 2:1 for the area disturbed in the Buffer. Plantings should consist of native species and be a mix of shrubs and trees. This mitigation may be incorporated with the mitigation required for the expansion of the restaurant.

Thank you for the opportunity to provide comments. If you have any questions please feel free to call me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
CY266-06

cc: Mr. John B. O'Connell Jr., O'Connell Engineering
Mary Ann Skilling, MDP



Maryland Department of Planning

April 17, 2006

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Andrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

Ms. Patricia Garrett, Town Administrator
Town of Chesapeake City
P.O. Box 205
Chesapeake City, MD 21915

Re: Chesapeake Inn & Marina

Dear Patricia:

I have reviewed the plan for the installation of two underground double wall Perma Fuel Tanks to be use as part of the marina operation at Chesapeake Inn and offer the following:

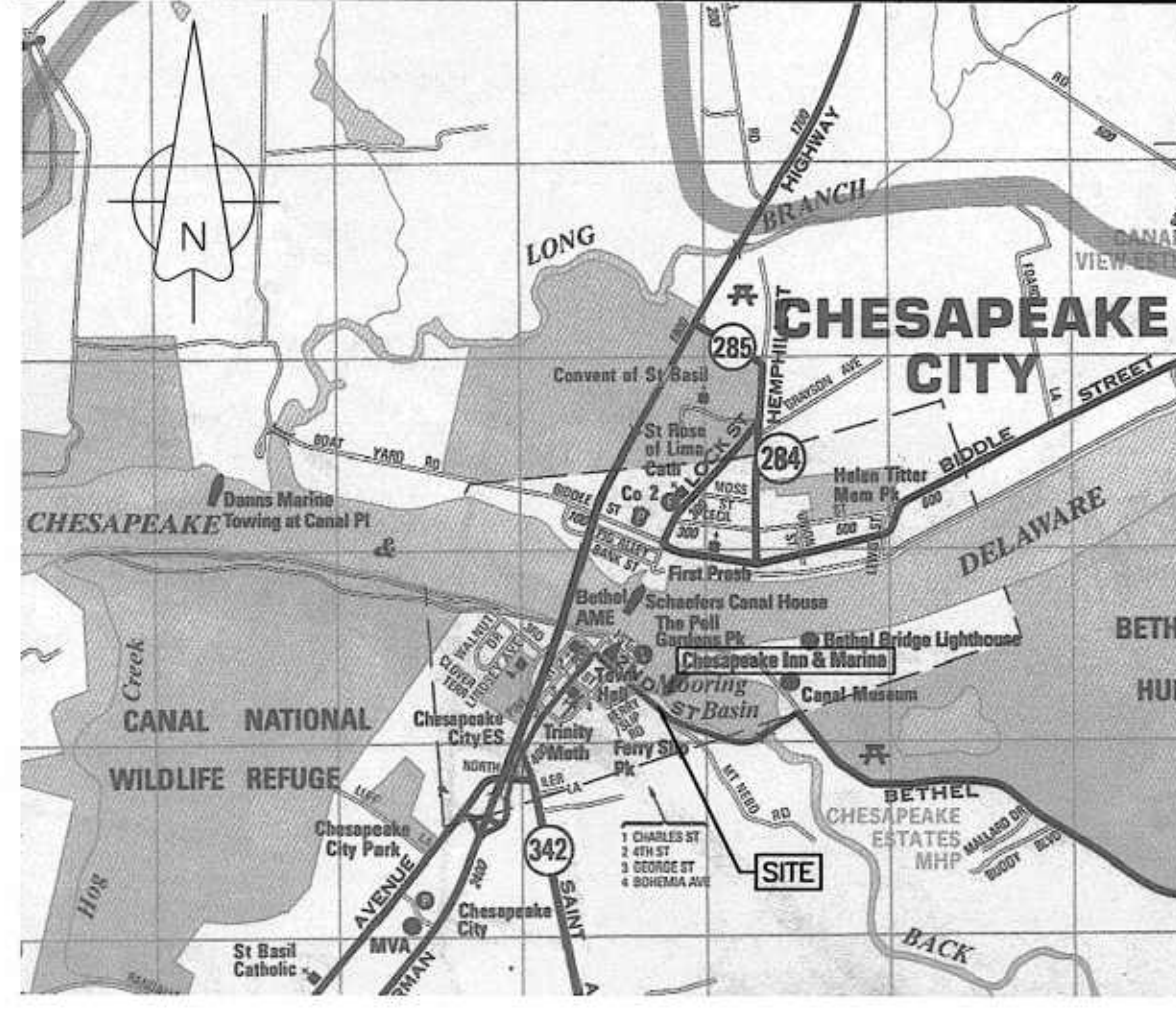
1. The marina is located in the Critical Area designation IDA in a Buffer Exemption Area.
2. The marina is considered a water dependent facility and the dispensing of fuel for such an operation is allowed in a Buffer Exemption Area.
3. All necessary permits and/or approvals must be received from MDE including floodplain.
4. Due to the close proximity to the Canal, all precautions should be taken during the installation, including sediment control measures. Plans for these measures must be approved by the Cecil Soil Conservation District and verified by the town prior to construction.

Once the above approvals and/or permits have been received, the project will be in compliance with the Town's Critical Area Regulations.

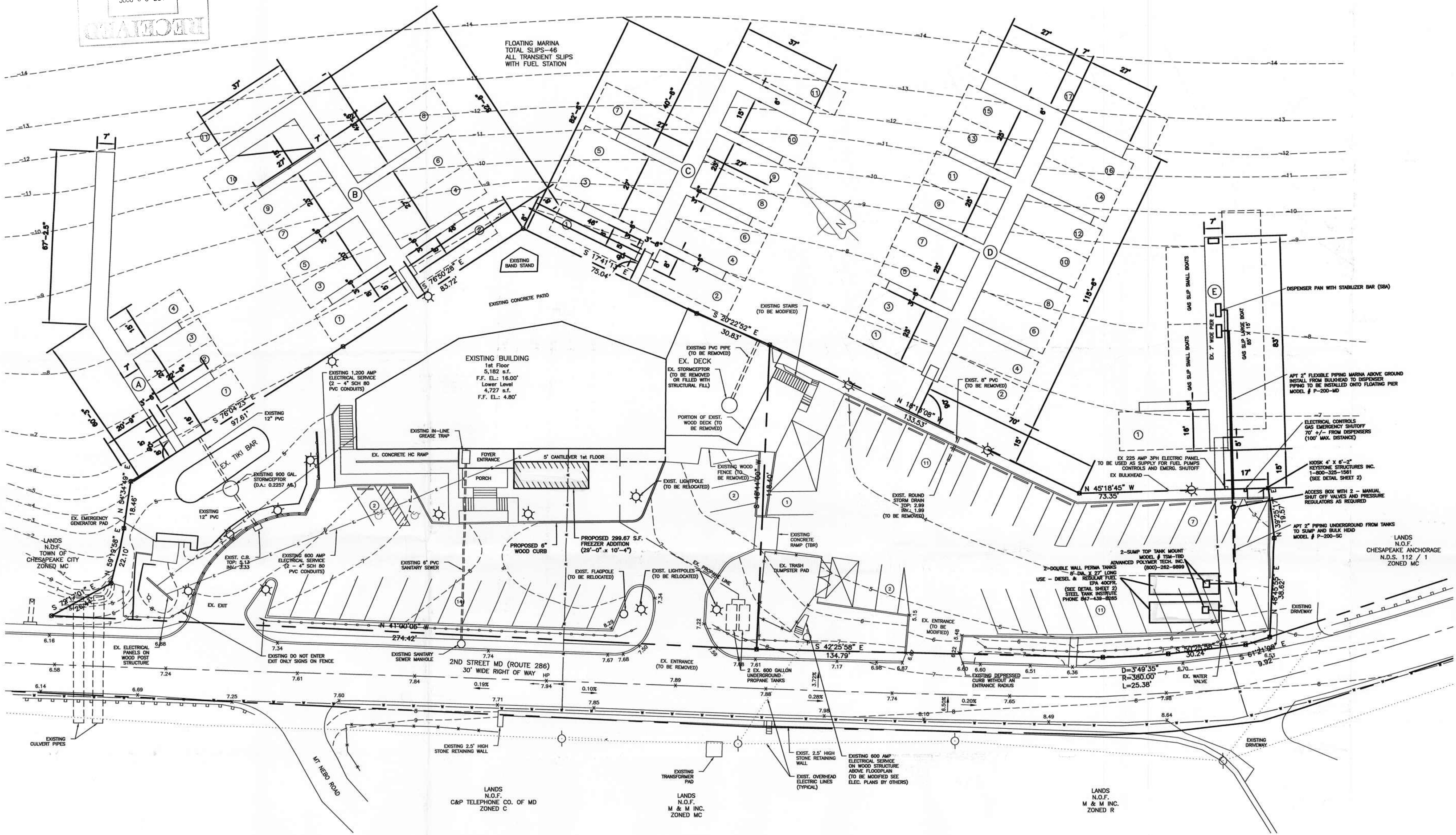
Sincerely,

Mary Ann Skilling
Critical Area Planner

Copy: Kate Schmitt



LOCATION MAP
 ADC MAP, CECIL CO., MD, MAP 18, GRID E-10
 SCALE: 1"=2000'



PLAN
 1" = 20'

SITE DATA:

- OWNER:
 M & M INC.
 CHESAPEAKE INN AND MARINA
 605 SECOND STREET
 CHESAPEAKE CITY, MD 21915
 (410) 885-2040
- CONTRACTOR:
 STACY GALLO
 151 STATE PETROLEUM SERVICES INC.
 714 GALLO ROAD
 HARRINGTON, DE 19952
 (302) 398-9704
- FUEL SUPPLIER:
 JOHN E. COLLINS
 SWEET OIL COMPANY
 2804 EASTBURN CENTER
 NEWARK, DE 19711
 (302) 368-9095 EXT. 18
- TAX PARCEL NUMBER:
 EXIST. - MAP 200, GRID 00, PARCEL 0081
 ADDED - MAP 200, GRID 00, PARCEL 0371
- SOURCE OF TITLE: W.L.B. 559/42
- ADC MAP COORDINATES: MAP 18 GRID E-10
- DATUM: N.G.V.D.
- FLOODPLAIN:
 ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR
 THE TOWN OF CHESAPEAKE CITY, CECIL
 COUNTY, MD, DATED JUNE 16, 1992, THIS SITE FALLS
 WITHIN ZONE "X" WHICH IS DETERMINED TO
 BE OUTSIDE THE 500 YEAR FLOODPLAIN.
- ZONING: MARITIME COMMERCIAL (M-1)
- CRITICAL AREA CLASSIFICATION: LDA

UNDERGROUND STORAGE/
 PETROLEUM STATION PLAN

FOR

CHESAPEAKE INN & MARINA

TOWN OF CHESAPEAKE CITY
 CECIL COUNTY, MARYLAND

CERTIFICATION OF PLAN ACCURACY

I, John B. O'Connell, Jr. hereby certify that I am a registered Professional Engineer with a background in Civil Engineering in the State of Maryland and that all of the information on this plan is true and correct to the accuracy required by accepted engineering standards and practices.

Date _____ Signature _____

LEGEND	
EXISTING	PROPOSED
---72---	CONTOUR (72.00)
72x00	SPOT GRADE (72.00)
=====	CURB
=====	SIDEWALK
[Hatched Box]	BUILDING
---W---	STORM SEWER
---W---	WATER

CERTIFICATION OF OWNERSHIP

I, Gianmarca Martuscelli, certify that M & M Inc are the owners of the property which is subject of this plan and that the land use action proposed by this plan is made at our direction.

Date _____ Gianmarca Martuscelli, Secretary

MISS UTILITY
 OF
 DELMARVA

CALL 3 DAYS BEFORE YOU DIG
 1-800-282-8555 (in Del.)
 PROTECT YOURSELF

*** CAUTION ***
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

<p>John B. O'Connell, Jr., P.E. Architectural & Civil Engineering 323 Jessica Drive Middletown, DE 19709 Phone: (302) 378-3088 Fax (302) 376-1980</p>	
Date: 02-01-06	Drawn By: MPE
Job No.: 1170	Checked By: J.B.O.
<p>SCALE: 1" = 20'</p>	
Revision	Date
<p>APPROVED BY _____</p>	
<p>Drawing No. 1</p>	

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 12, 2006

Ms. Mary Ann Skilling
Maryland Department of Planning
120 Broadway, Suite 10
Centreville, Maryland 21617

Re: Chesapeake Inn Banquet Facility Mitigation

Dear Ms. Skilling:

I have received the above referenced information regarding the proposed mitigation and 10% Rule requirements for constructing a banquet room addition within the 100-foot Critical Area Buffer. The property is currently developed with a restaurant, marina, concrete and board walkways and parking area. The property is designated Intense Development Area (IDA) and a Buffer Exemption Area (BEA). No new impervious surface is proposed.

Based upon the submitted worksheet to calculate the pollutant reduction requirements on the site, I have found that the applicant is meeting the 10% Rule. The applicant proposes to maintain an existing 900 GPD stormceptor to treat 9,832 square feet or 21% of the site and to install a 1200 GPD stormceptor to treat 20,805 square feet or 45.5% of the site. Together, these treatments will remove 0.713 lbs/year of phosphorous. The pollutant removal required is 0.204 lbs/year.

The applicant is also required to provide 2:1 mitigation for the square footage of area redeveloped in the Buffer. The footprint of the proposed banquet building is 3,000 square feet. The plan submitted by the applicant to meet this requirement is insufficient. In order to receive credit for mitigation, the applicant needs to provide a planting plan that consists of a mix of native trees and shrubs. One tree (of 2-inch caliper) or three shrubs may be planted for every 100 square feet, or part thereof, of mitigation required. I recommend the applicant also include the mitigation that will be required for the installation of the underground storage fuel tanks.

Thank you for the opportunity to provide comments. If you have any questions please feel free to call me at 410-260-3475.

Sincerely,

Kate Schmidt
Natural Resource Planner
CY266-06

cc: Ms. Patricia Garrett, Chesapeake City

Worksheet A: Standard Application Process

Calculating Pollutant Removal Requirements¹

Step 1: Calculate Existing and Proposed Site Imperviousness

A. Calculate Percent Imperviousness

- 1) Site Area within the Critical Area IDA, A = 1.05 acres
- 2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)

	(a) Existing (acres)	(b) Proposed (acres)
Roads	_____	_____
Parking lots	_____	_____
Driveways	_____	_____
Sidewalks/paths	_____	_____
Rooftops	<u>0.9125 Ac</u>	<u>0.9096 Ac</u>
Decks	_____	_____
Swimming pools/ponds	_____	_____
Other	_____	_____
Impervious Surface Area	<u>0.9125 Ac</u>	<u>0.9096 Ac</u>

3) Imperviousness (I)

Existing Imperviousness, I_{pre} = Impervious Surface Area / Site Area
 = (Step 2a) / (Step 1)
 = $(0.9125) / (1.05)$
 = 86.90 %

Proposed Imperviousness, I_{post} = Impervious Surface Area / Site Area
 = (Step 2b) / (Step 1)
 = $(0.9096) / (1.05)$
 = 86.62 %

B. Define Development Category (circle)

- 1) New Development: Existing imperviousness less than 15% | (Go to Step 2A)
- 2) Redevelopment: Existing imperviousness of 15% | or more (Go to Step 2B)
- 3) Single Lot Residential Development: Single lot being developed or improved; single family residential development; and more than 250 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements).

¹ NOTE: All acreage used in this worksheet refers to areas within the IDA of the Critical Area only.

Step 2: Calculate the Predevelopment Load (L_{pre})

A. New Development

$$L_{pre} = (0.5) (A)$$

$$= (0.5) (\quad)$$

$$= \quad \text{lbs /year of total phosphorus}$$

Where:

- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
- 0.5 = Annual total phosphorus load from undeveloped lands (lbs/acre/year)
- A = Area of the site within the Critical Area IDA (acres)

B. Redevelopment

$$L_{pre} = (R_v) (C) (A) (8.16)$$

$$R_v = 0.05 + 0.009 (I_{pre})$$

$$= 0.05 + 0.009 (86.90) = .8321 \checkmark$$

$$L_{pre} = (.8321) (0.30) (1.05) (8.16)$$

$$= 2.14 \checkmark \text{ lbs/year of total phosphorus}$$

Where:

- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
- R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff
- I_{pre} = Pre-development (existing) site imperviousness (i.e., $I = 75$ if site is 75% impervious)
- C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l
- A = Area of the site within the Critical Area IDA (acres)
- 8.16 = Includes regional constants and unit conversion factors

Step 3: Calculate the Post-Development Load (L_{post})

A. New Development and Redevelopment:

$$L_{post} = (R_v) (C) (A) (8.16)$$

$$R_v = 0.05 + 0.009 (I_{post})$$
$$= 0.05 + 0.009 (86.62) = \overset{1.830}{.8296}$$

$$L_{post} = (.8296) (.3) (1.05) (8.16)$$
$$= \underline{2.13} \text{ lbs/year of total phosphorus}$$

Where:

- L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)
- R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff
- I_{post} = Post-development (proposed) site imperviousness (i.e., $I = 75$ if site is 75% impervious)
- C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l
- A = Area of the site within the Critical Area IDA (acres)
- 8.16 = Includes regional constants and unit conversion factors

Step 4: Calculate the Pollutant Removal Requirement (RR)

$$RR = L_{post} - (0.9) (L_{pre})$$
$$= \underline{2.13} - (0.9) (\overset{1.926}{2.14})$$
$$= \underline{.204} \text{ lbs/year of total phosphorus}$$

Where:

- RR = Pollutant removal requirement (lbs/year)
- L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)
- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)

Step 5:

Identify Feasible BMP(s)

Select BMP Options using the screening matrices provided in the Chapter 4 of the 2000 Maryland Stormwater Design Manual. Calculate the load removed for each option.

BMP Type	(L _{post})	x	(BMP _{RE})	x	(% DA Served) = ^{1.05} Ac	=	LR
Exp F-5 Filtering System	2.13	x	.5	x	.2149	=	2288 lbs/year
		x		x		=	lbs/year
Prop F-5 Filtering System	2.13	x	.5	x	.4548	=	4836 lbs/year
		x		x		=	lbs/year

Load Removed, LR (total) = 0.7131 lbs/year

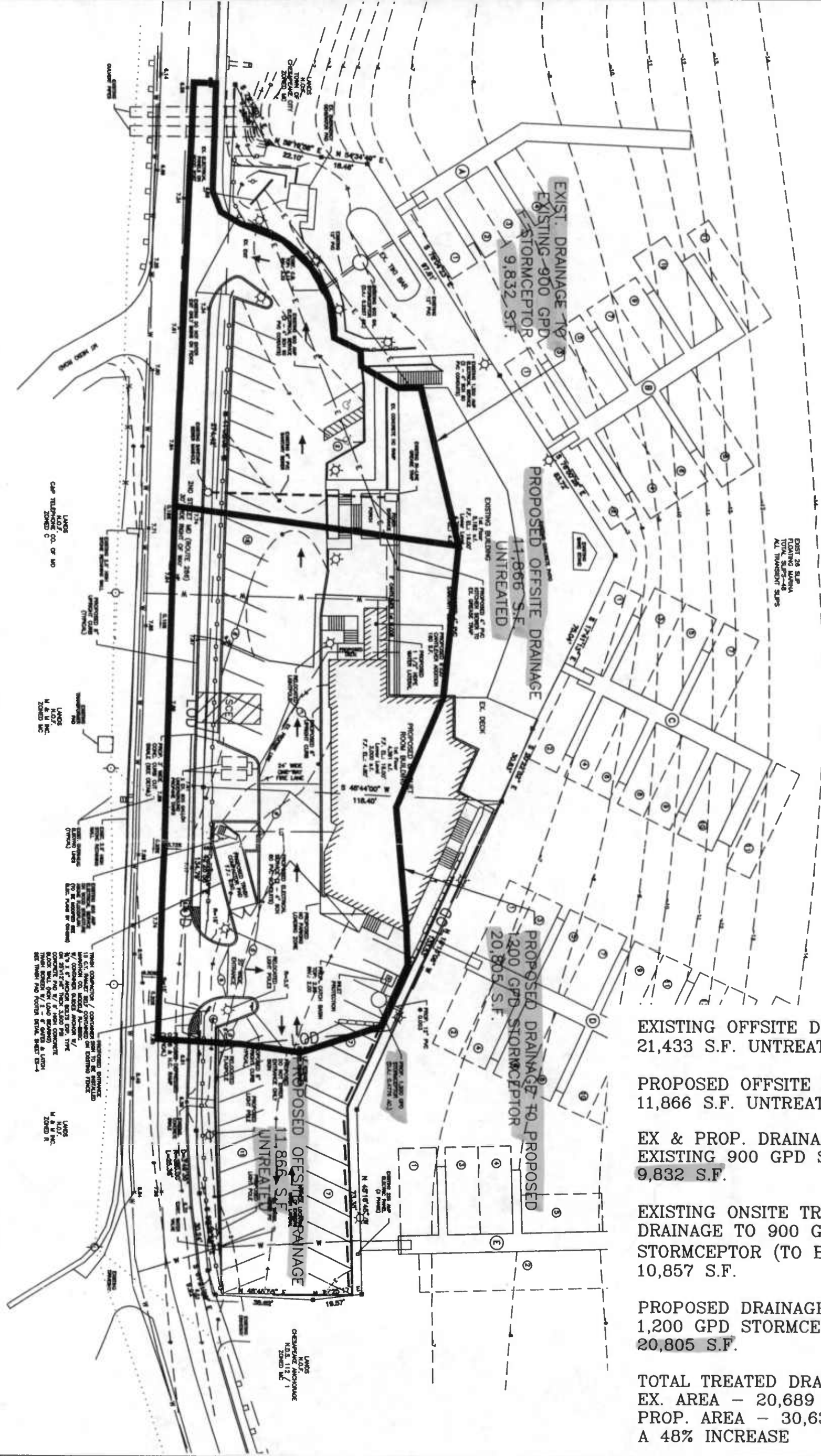
Pollutant Removal Requirement, RR (from Step 4) = 0.207 lbs/year

Where:

- Load Removed, LR = Annual total phosphorus load removed by the proposed BMP (lbs/year)
- L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)
- BMP_{RE} = BMP removal efficiency for total phosphorus, Table 4.8 (%)
- % DA Served = Fraction of the site area within the critical area IDA served by the BMP (%)
- RR = Pollutant removal requirement (lbs/year)

If the Load Removed is equal to or greater than the Pollutant Removal Requirement computed in Step 4, then the on-site BMP complies with the 10% Rule.

Has the RR (pollutant removal requirement) been met? Yes No



BLACK OXBEEK

DIST 26 SUP
FLOATING MARINA
TOTAL SLIPS-48
ALL MANAGEMENT SLIPS

- EXISTING OFFSITE DRAINAGE
21,433 S.F. UNTREATED
- PROPOSED OFFSITE DRAINAGE
11,866 S.F. UNTREATED
- EX & PROP. DRAINAGE TO
EXISTING 900 GPD STORMCEPTOR
9,832 S.F.
- EXISTING ONSITE TREATED
DRAINAGE TO 900 GPD
STORMCEPTOR (TO BE REMOVED)
10,857 S.F.
- PROPOSED DRAINAGE TO PROPOSED
1,200 GPD STORMCEPTOR
20,805 S.F.
- TOTAL TREATED DRAINAGE AREA
EX. AREA - 20,689 S.F.
PROP. AREA - 30,637 S.F.
A 48% INCREASE

Proposed
Drainage
Plan

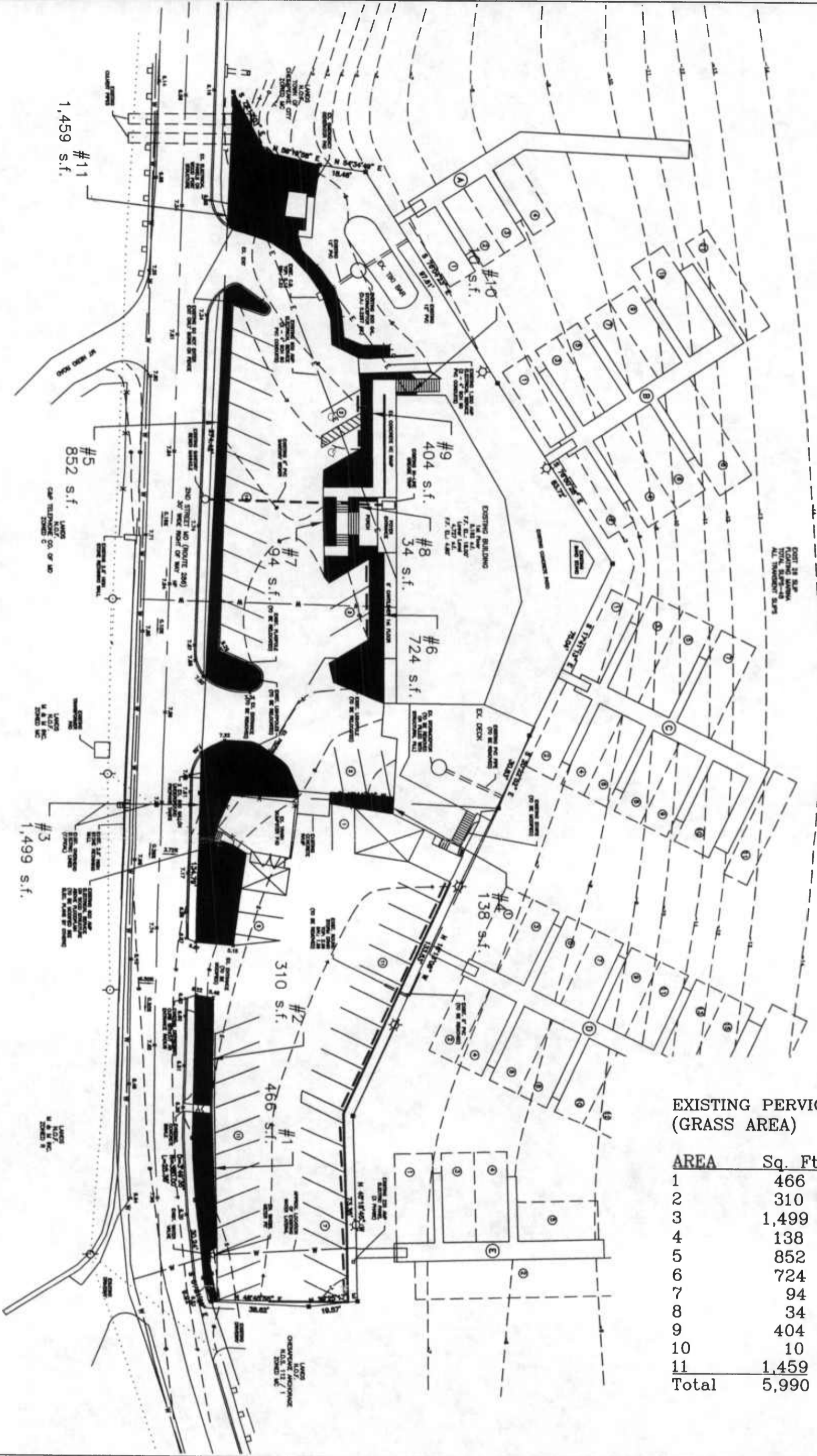
CHESAPEAKE INN & MARINA
605 Second Street
Chesapeake City, MD 21915
Town of Chesapeake City
Cecil County

John B. O'Connell Jr. P.E.
Architectural & Civil Engineering
323 Jessica Drive, Middletown, DE 19709
Phone: (302) 378-3068 Fax: (302) 376-1980

Date	11-10-05	Drawn By	JBO
Scale	1" = 40'	Job No.	1170



BACK CREEK



EXISTING PVIOUS AREA
(GRASS AREA)

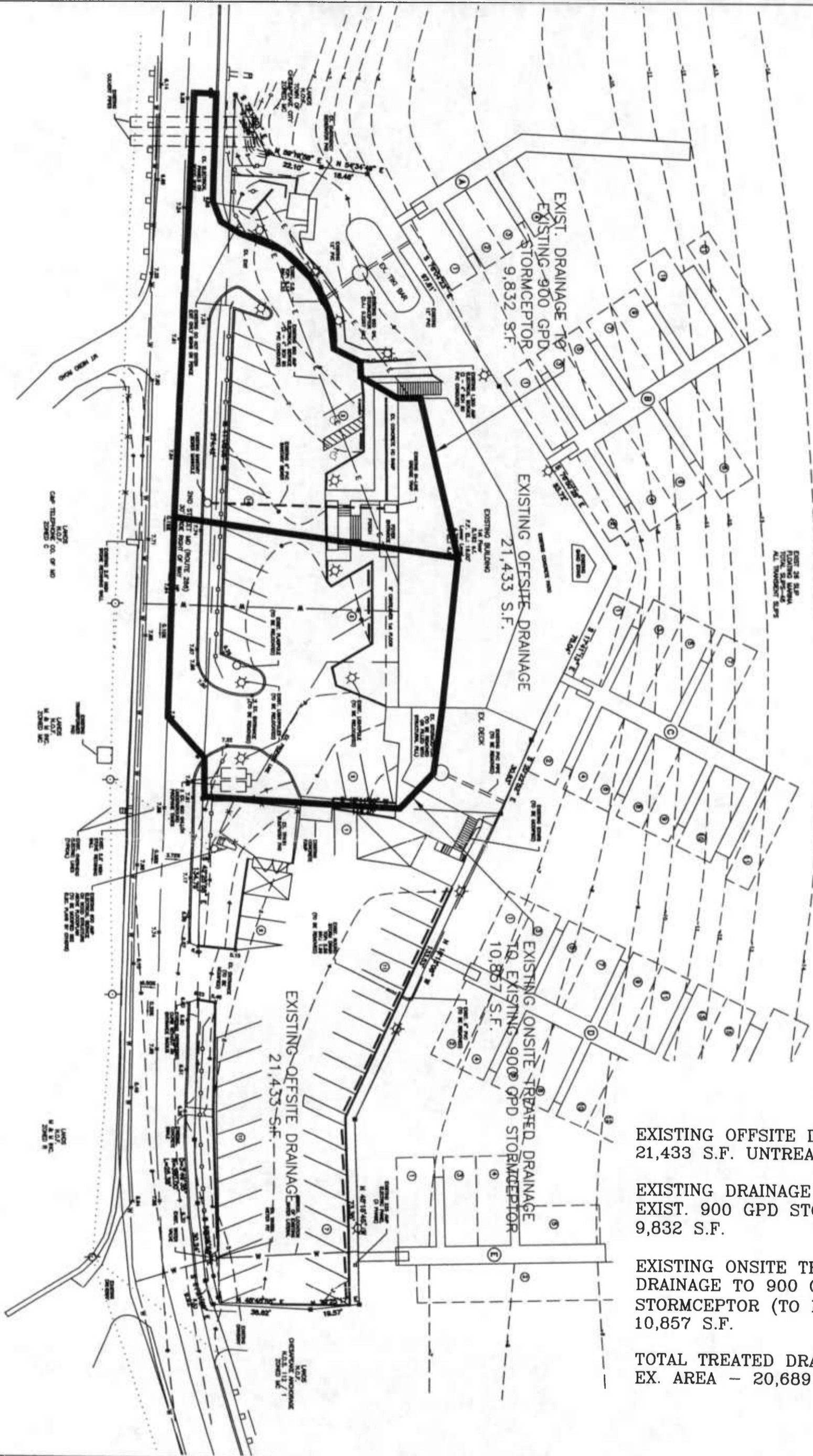
AREA	Sq. Ft.
1	466
2	310
3	1,499
4	138
5	852
6	724
7	94
8	34
9	404
10	10
11	1,459
Total	5,990

Existing Pervious Area Plan

CHESAPEAKE INN & MARINA
605 Second Street
Chesapeake City, MD 219215
Town of Chesapeake City
Cecil County

John B. O'Connell Jr. P.E.
Architectural & Civil Engineering
323 Jessica Drive, Middletown, DE 19709
Phone: (302) 378-3068 Fax: (302) 376-1980

Date 11-10-05 Drawn By JBO
Scale 1" = 40' Job No. 1170



EXISTING OFFSITE DRAINAGE
21,433 S.F. UNTREATED

EXISTING DRAINAGE TO
EXIST. 900 GPD STORMCEPTOR
9,832 S.F.

EXISTING ONSITE TREATED
DRAINAGE TO 900 GPD
STORMCEPTOR (TO BE REMOVED)
10,857 S.F.

TOTAL TREATED DRAINAGE AREA
EX. AREA - 20,689 S.F.

Existing
Drainage
Plan

CHESAPEAKE INN & MARINA
605 Second Street
Chesapeake City, MD 21915
Town of Chesapeake City
Cecil County

John B. O'Connell Jr. P.E.
Architectural & Civil Engineering
323 Jessica Drive, Middletown, DE 19709
Phone: (302) 378-3068 Fax: (302) 376-1980

Date 11-10-05 Drawn By JBO
Scale 1" = 40' Job No. 1170



**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.statc.md.us/criticalarea/

February 13, 2007

Mr. Gerry Robertson
Town Administrator
Town of Chesapeake City
Chesapeake City, MD 21915

Re: Chesapeake Inn Additions

Dear Mr. Robertson:

I apologize for canceling today's meeting due to weather and hope that Mary Ann Skilling and I will be able to reschedule in the near future. In the meantime, Ms. Skilling has provided me a copy of her letter to you regarding the Chesapeake Inn. I also wanted to provide you with some comments regarding the recent construction activities at the Inn. As you are aware, it appears that some work has been completed or is underway that may not have been properly permitted, or received the appropriate review for Critical Area regulations and Floodplain regulations.

The Chesapeake City Zoning Ordinance Section 136 describes the Buffer Exemption Area (BEA) provisions. The intent of BEAs is to accommodate limited use of shoreline areas, or development within the 100-foot Buffer, while protecting water quality and wildlife habitat to the extent possible. In order to allow new development or redevelopment activities within a BEA, the Planning Commission must make a number of findings including

- 1) a determination that no feasible alternative is possible,
- 2) a minimization of the shoreward intrusion into the BEA and
- 3) new development or redevelopment shall not exceed the shoreward extent of adjacent or existing structures.

The Chesapeake Inn site is nearly entirely impervious surface up to the existing bulkhead and located within the 100-foot Buffer. However, activities that occur closer to the water than the existing structure must be reviewed for consistency with Critical Area regulations. Prior to receiving the variance to construct the banquet addition, the main structure was set back 20-feet from the bulkhead. Based on my review of plans submitted to this office dated October 11, 2005, the addition was proposed to be set back 12-feet from the bulkhead. A deck on the second story which extends to the edge of the bulkhead was intended to remain as a deck. At the time this office reviewed the variance request for the banquet addition (see attached), we advised the Town to determine that the setback variance was the minimum necessary and establish whether an alternative could be accomplished.

Mr. Gerry Robertson
February 13, 2007
Page 2 of 2

Currently, it appears that the portion of deck that was allowed to remain is being converted to an enclosed room. It also appears that the area beneath will also be enclosed. This is clearly not what was previously reviewed by this office, or by Ms. Skilling. While the Town may have established that the variance requirements were met for the banquet addition, the enclosure of the deck and underlying area as they are located shoreward of the existing building clearly would also require a variance. Based on comments made by Ms. Skilling, I also recommend that appropriate plans and information be submitted to the Town for her review and believe it likely that a variance will be required. Additionally, given the after-the-fact nature of the work being done, I recommend the Town require the applicant to provide mitigation at a ratio of 3:1 for the new area of work. This mitigation would be in addition to any mitigation or offset required by the zoning ordinance for development approved in the BEA once a variance is obtained.

There also appear to be some questions related to the approval of the tiki bar and the emergency generator. These facilities are also within the BEA setback area and may also have required variances. I recommend the Town provide information as to the review and approval of these facilities. In addition to the above, the Town may have to require the applicant to obtain a variance for these facilities and again, I recommend the Town require mitigation both for after-the-fact approvals and for new development in the BEA.

Finally, I want to stress the procedural importance of obtaining appropriate review and approvals for activities in the Critical Area. In this situation, the applicant may be faced with considerable additional mitigation requirements to both satisfy the existing violations and to meet the standards of the Town's Zoning Ordinance. Perhaps of even greater concern are some of the issues related to complying with floodplain regulations. I hope that Chesapeake City will take advantage of the assistance and service that Ms. Skilling can provide to you in regards to these issues. I look forward to working with you towards the resolution of these issues. If you have any questions please do not hesitate to contact me at 410-260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner

Cc: Mary Ann Skilling, MDP

266-06
CY



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

March 12, 2007

Mr. Gerry Robertson
Town Administrator
Town of Chesapeake City
Chesapeake City, MD 21915

Re: Chesapeake Inn Additions

Dear Gerry:

As a follow up to our site visit on February 27, 2007, I would like to offer the following steps that need to take place in order for this project to comply with the Town's Critical Area Regulations Section 136 for Buffer Exemption Areas (BEAs):

As we are both aware, the addition of the deck and walls to the Inn extending to the edge of bulkhead was not previously approved, nor was the new area of work in the BEA setback for the tiki bar and generator pad. Thus the applicant will need to apply to the Board of Appeals for a variance to the BEA requirements. The Board of Appeals must find that the work proposed is the minimum necessary and may not be accommodated at any other location on the site that would meet the BEA standards. Additionally, it is the applicant's responsibility to overcome the burden of proof and demonstrate they can meet each one of the Town's variance standards. This includes whether the proposal results in the minimum variance necessary to afford relief of an unwarranted hardship. I would like to note, that once a variance application has been filed with the Board of Appeals, the Town is required under its Critical Area Program to provide a copy of the variance application to the Critical Area Commission for review and comment.

Should the Board grant the variance, the applicant will be required to meet Section 136 g which states that any development approved under the provisions of this subsection shall provide mitigation. Mitigation shall be for the area forward of the approved building (approximately 6' x 40') and the planting requirement.

It has been recommended that the applicant provide a 3:1 mitigation for the new area of all work in the BEA including the veranda enclosure (240 sf), tiki bar (400 sf) and generator pad (80 sf). The following is the required fee-in-lieu as established in Section 136 g, "An applicant who cannot comply with the planting or offset requirements herein are required to pay into a fee-in-lieu program as follows:

- (1) For each foot of the Buffer Exemption Area disturbed, \$1.20, and
- (2) For any required planting that cannot be implemented on site, \$.40 per square foot."

Based on the Town's Ordinance the following fee-in-lieu shall be paid for the new development in the BEA.

Veranda

6' x 40' = 240 square feet x 3 = 720 sf
720 sf x \$1.20 = \$864.00

Tiki Bar

10' x 40' = 400 sf x 3 = 1200 sf
1200 x \$1.20 = \$1,440

Generator Pad

8' x 10' = 80 sf x 3 = 240 sf
240 x \$1.20 = \$288

Planting Requirement - 2160 total square feet x .40 per square feet = \$864.

Total Mitigation for new area in the BEA and associated planting requirement is **\$3,456.**

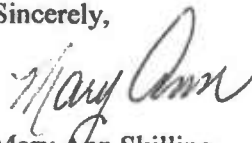
Any fee-in-lieu collected shall be placed in an account that will assure that it is used for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement, or environmental education.

Prior to issuing an occupancy permit, the above requirements shall be met.

Finally, I would like to remind the Town that State law allows the assessment of a fine up to \$10,000 for actions in violation of the Critical Area law. This law was enacted in order to prevent such activities that have occurred at the Chesapeake Inn expansion.

I look forward to working with you and the Planning Commission to establish procedures and guidance that will help the town with their review process. If you have any questions, please do not hesitate to contact me at 410-556-6262.

Sincerely,



Mary Ann Skilling
Critical Area Circuit Rider

Copy: Kate Schmidt

266-06

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: TOWN OF CHESAPEAKE CITY

Date: 4/19/07

Tax Map #	Parcel #	Block #	Lot #	Section
200	0081,0371			

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: _____

Project Name (site name, subdivision name, or other) | CHESAPEAKE INN/BANQUET HALL

Project location/Address | 605 SECOND STREET

City | CHESAPEAKE CITY | Zip | 21915

Local case number | _____

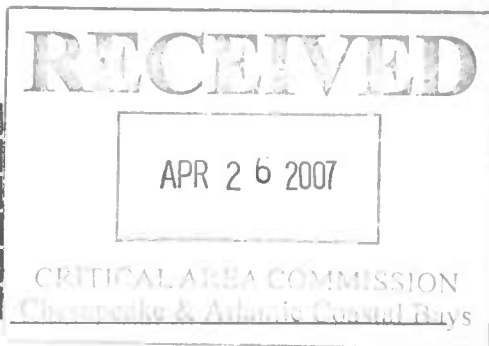
Applicant: Last name | MARTUSCELLI | First name | GIAN MARCO

Company | M&M INC, CHESAPEAKE INN AND MARINA

Application Type (check all that apply):

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other



Local Jurisdiction Contact Information:

Last name | ROBERTSON | First name | GERRY

Phone # | 410-885-5298 | Response from Commission Required By | _____

Fax # | 410-885-2515 | Hearing date | 4/10/2007 ?

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

RESTAURANT

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	1.05	
LDA Area		
RCA Area		
Total Area	1.05	

Total Disturbed Area
 .364

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Impervious Surface		
Created Forest/Woodland/Trees			New Impervious Surface		
Removed Forest/Woodland/Trees			Removed Impervious Surface		
			Total Impervious Surface		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation	X	5,471

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Impervious Surface
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other



TOWN OF CHESAPEAKE CITY

P. O. Box 205

108 Bohemia Avenue

Chesapeake City, Maryland 21915-0205

March 27, 2007

Mr. Gian Marco Martuscelli
605 Second Street
Chesapeake City, MD 21915

RE: Chesapeake Inn Change of Use Zoning
Certificate to enclose existing veranda.

Dear Mr. Martuscelli:

The Chesapeake City Board of Appeals will hold a public hearing on Tuesday, April 10, 2007 at 7:00 p.m. in Town Hall, 108 Bohemia Avenue, to hear a request for a change of use zoning certificate to enclose existing veranda.

Appeals Board members have been invited to inspect the veranda area at 6:00 p.m. on Tuesday, April 10, 2007

The property was posted March 23, 2007 and the public hearing was advertised in the Cecil Whig on March 26, 2007, fifteen days prior to the scheduled date and will run again on April 2, 2007. Please consider this as your only notification.

Sincerely,

Gerry D. Robertson
Town Manager

Cc: Marty Salmon, Chair
Findlay McCool
Alan Meyers
Doris Gribble
Marilynn Homan

Chesapeake City
Planning and Zoning Commission
Minutes for
March 7, 2007

Tom Wheeler
Frank Hill, Chair
Lee Hutton Vice Chair
Jack Ritter
Rich Taylor
Attached list of attendees

Frank Hill called the meeting to order.

Approval of February 7, 2007 minutes. Tom Wheeler made a motion to accept the February 7, 2007 minutes. Lee Hutton 2nd the motion. All in favor, motion carried.

Approval of February 21, 2007 minutes (Special Session.) Tom Wheeler made a motion to accept the February 21, 2007 minutes. Jack Ritter 2nd the motion. All in favor, motion carried. (Frank Hill explained the only approval given on the Schaefer's project was for emergency bulkhead repair.)

Staff Reports

No staff reports given, Gerry Robertson out due to illness and Al Bowslawski not present.

Action Items

1. 200 Bohemia Avenue – Sign

Frank Hill gave approval and signed proper paperwork before meeting. Ordinance states that only non-combustible signs can be used. Frank considers this to be an error in the ordinance. A combustible building does not need a non-combustible sign.

2. Chesapeake Inn – Modification to Veranda

Tom Wheeler made the motion to approve rescinding of last month's approval of enclosing veranda. Rich Taylor 2nd the motion. All in favor, motion carried.

3. Chesapeake Inn – Revisit application to enclose Veranda

Tom Wheeler made the motion to deny the application with a recommendation from the Commission to the Appeals Board to be decided at the March 21, 2007 workshop meeting. Jack Ritter 2nd the motion. All in favor, motion carried.

Discussion: The existing verandah is non-compliant with set back requirements. (F. Hill.) Chesapeake Inn will have to apply to the Appeals Board for a Change of Use. Planning and Zoning Commission will vote at workshop meeting March 21, 2007 on recommendation to Appeals Board. Commission is waiting for recommendation from Mary Ann Skilling, Critical Bay The possibility of mitigation for violations was mentioned. Terms of mitigation unknown at this time. (F. Hill)

4. 316 Bohemia Avenue – Change of Use

Rich Taylor made a motion to recommend to the Appeals Board approval of change of use from Residential to Commercial B&B after Maryann Skilling, Critical Bay reviews parking area. Lee Hutton 2nd motion. All in favor, motion carried.

Discussion: Commission wanted Mr. Gottlieb to be very clear that approval for change of use from Chesapeake City is not the only requirement of him in order to open a B&B in town. He needs to go through the appropriate steps with the County and State. Mr. Gottlieb has to have Mary Ann Skilling review parking plan and parking must conform to town parking ordinance.

Adjourn

Lee Hutton made the motion to adjourn. Tom Wheeler 2nd. All heartily in favor, motion carried.

Planning & Zoning Recommendation
Chesapeake Inn Appeals Board Hearing
April 10, 2007

Background –

At the April 2006 P&Z Meeting a permit request for a banquet hall addition was approved for the Chesapeake Inn at 605 Second Street. There was a requirement that all Critical Bay and Town setbacks were to be honored and reviewed by the Board of Appeals, all guidelines stated by URS (Town engineer) must be met and issues with the MDE Flood Plain office be settled.

The drawings provided indicated that the roof over the existing veranda would be changed from a temporary canvas type covering to a permanent roof. No mention was made of enclosing the outside east wall of the structure. During construction inspections and with the help of one of Chesapeake City's neighbors it was noticed that the outer wall of the veranda was being changed.

A tour of the Inn hosted by the owner in January revealed that the complete veranda area was being enclosed and finished as an additional room adjacent to the new banquet hall. There were discussions around the work being done and the owner stated that if work were stopped the completion schedule date would most likely not be met. He was told that, regardless of his schedule, he would still have to go through the process and have an approved permit before he could occupy or use the area. When he asked if he could continue the work he was told that he could continue at his own risk and that there are no guarantees on what the permitting process would produce.

An application was filed in February but was rescinded in March because, due to the fact that the existing veranda was a nonconforming structure, the changes had to be treated as a new variance and must be reviewed and approved by the Appeals Board.

P&Z Recommendations –

The P&Z Commission recommends that the "change of use" not be granted and the structure be maintained as an open veranda. Any wall placed in the veranda area to separate inside from outside should be placed no closer to the bulkhead than the foundation wall below which was the line agreed upon in the variance for the banquet hall. (A 12' setback.)

In addition to all other recommendations, The Chesapeake Inn shall abide by all terms of mitigation (totaling \$3,456) as stated in a letter from Mary Ann Skilling, Critical Area Circuit Rider to Gerry Robertson, Town Administrator dated March 12, 2007. Any variations to this mitigation shall be submitted to the Town and approved by Ms. Skilling prior to implementation.

Option –

It is possible that fines of, up to \$500 by Chesapeake P&Z Ordinance for not obtaining the proper permit, or up to \$10,000 by Maryland law for Critical Area violations may be levied.

If this condition is allowed to continue by the Appeals Board, a fine is recommended.

Frank S. Hill
P&Z Chairperson



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

March 12, 2007

Mr. Gerry Robertson
Town Administrator
Town of Chesapeake City
Chesapeake City, MD 21915

Re: Chesapeake Inn Additions

Dear Gerry:

As a follow up to our site visit on February 27, 2007, I would like to offer the following steps that need to take place in order for this project to comply with the Town's Critical Area Regulations Section 136 for Buffer Exemption Areas (BEAs):

As we are both aware, the addition of the deck and walls to the Inn extending to the edge of bulkhead was not previously approved, nor was the new area of work in the BEA setback for the tiki bar and generator pad. Thus the applicant will need to apply to the Board of Appeals for a variance to the BEA requirements. The Board of Appeals must find that the work proposed is the minimum necessary and may not be accommodated at any other location on the site that would meet the BEA standards. Additionally, it is the applicant's responsibility to overcome the burden of proof and demonstrate they can meet each one of the Town's variance standards. This includes whether the proposal results in the minimum variance necessary to afford relief of an unwarranted hardship. I would like to note, that once a variance application has been filed with the Board of Appeals, the Town is required under its Critical Area Program to provide a copy of the variance application to the Critical Area Commission for review and comment.

Should the Board grant the variance, the applicant will be required to meet Section 136 g which states that any development approved under the provisions of this subsection shall provide mitigation. Mitigation shall be for the area forward of the approved building (approximately 6' x 40') and the planting requirement.

It has been recommended that the applicant provide a 3:1 mitigation for the new area of all work in the BEA including the veranda enclosure (240 sf), tiki bar (400 sf) and generator pad (80 sf). The following is the required fee-in-lieu as established in Section 136 g, "An applicant who cannot comply with the planting or offset requirements herein are required to pay into a fee-in-lieu program as follows:

- (1) For each foot of the Buffer Exemption Area disturbed, \$1.20, and
- (2) For any required planting that cannot be implemented on site, \$.40 per square foot."

Based on the Town's Ordinance the following fee-in-lieu shall be paid for the new development in the BEA.

Veranda

6' x 40' = 240 square feet x 3 = 720 sf
720 sf x \$1.20 = \$864.00

Tiki Bar

10' x 40' = 400 sf x 3 = 1200 sf
1200 x \$1.20 = \$1,440

Generator Pad

8' x 10' = 80 sf x 3 = 240 sf
240 x \$1.20 = \$288

Planting Requirement - 2160 total square feet x .40 per square feet = \$864.

Total Mitigation for new area in the BEA and associated planting requirement is **\$3,456.**

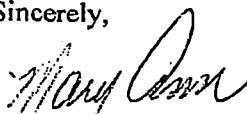
Any fee-in-lieu collected shall be placed in an account that will assure that it is used for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement, or environmental education.

Prior to issuing an occupancy permit, the above requirements shall be met.

Finally, I would like to remind the Town that State law allows the assessment of a fine up to \$10,000 for actions in violation of the Critical Area law. This law was enacted in order to prevent such activities that have occurred at the Chesapeake Inn expansion.

I look forward to working with you and the Planning Commission to establish procedures and guidance that will help the town with their review process. If you have any questions, please do not hesitate to contact me at 410-556-6262.

Sincerely,


Mary Ann Skilling
Critical Area Circuit Rider

Copy: Kate Schmidt

CHESAPEAKE CITY BOARD OF APPEALS

AGENDA

April 10, 2007

7:00 pm

i Call to Order

ACTION ITEMS

- 1. 316 Bohemia Avenue – Change of Use – Special Exception for a Bed & Breakfast.**
- 2. 605 Second Street – Change of Use – Zoning Certificate to Enclose existing veranda.**

Adjourn

COUNTY
PERMITS

041707A
TOWN
PERMITS

COUNTY
PERMITS

041707A
TOWN
PERMITS

TOWN OF CHESAPEAKE CITY CONSTRUCTION
PERMIT ISSUED

[Signature] 4/19/07

THIS CARD MUST BE POSTED
ON BUILDING SITE



TOWN OF CHESAPEAKE CITY
CONSTRUCTION PERMIT ISSUED

TOWN OF
CHESAPEAKE CITY COPY

APPLICATION FOR PERMIT

CHESAPEAKE CITY PLANNING & ZONING COMMISSION

Date of Application: _____

The application must be filed ten [10] days before the meeting of the Planning Commission to be placed on that meeting agenda. The Planning Commission regularly meets the first Wednesday of the month. Permit expiration date six (6) months from date of approval

Property Owner or Agent (printed) GIANMARCO MARNISCEVI Phone (d) 410 885-2040

Address: Street 605 SECOND ST Town CHESAPEAKE CITY ST. MD ZIP 21915

Property Address " " Developer or Contractor: Company O'CONNELL MBT

Name JACK O'CONNELL Principal _____ Address: Street _____

Town NEWARK St. DE ZIP 19702 Phone: (d) 302 218 1663 (e) _____

Contractor MD License # SEE FILE Expires _____ Insurance _____ attach certificate

Type of Permit being applied for
[Circle one or more for all work to be conducted]

Addition Building Change of Use Demolition Fence/Wall Grading Maintenance Renovation Sign
Sub-division (Appendix A attached). Water/Sewer* Zoning Change (Explain reason for change)
Scope of Work: _____

ADDING WINDOWS TO VERANDA ON EXISTING STRUCTURE
AT CHESAPEAKE INN RESTAURANT

Special Requirements:

1. Is the property in the flood plain? N/A
2. Are there any trees to be removed? N/A
3. Building, renovation and addition require 10 sets of blueprints or acceptable drawings and property plat. An architectural seal is required for all commercial drawings.
4. Property plat is required with all applications.
5. Grading application must have permit from the Cecil County Soil Conservation Service and acceptable storm water management plan.
6. Zoning change from N/A to _____.
7. Sub-division application must have Appendix A attachments as required by the step process.
8. Property has all proposed water & sewer hookups approved by Town Council? N/A

* All fees paid prior to issue of building permit

APPROVAL

The following conditions may apply to project.

1. Approval and Issuance of Zoning Certificate/Building Permit by the Town of Chesapeake City and Cecil County Building, Plumbing, Electrical must be obtained and conspicuously posted.
2. Approval and issuance of permits by the Maryland and Cecil County Health Departments.
3. Approval by the Chesapeake City Historic Commission - *Where Applicable*
4. Approval by the Chesapeake City Critical Area Program Commission. - *When Applicable*
5. Complete compliance with the Zoning Ordinance of the Town of Chesapeake City, the rules, regulations and conditions of the permit issuance as contained herein.

Approvals of this application is for the use on the property specified in this application as located by the applicant, owner or agent for the use, and location with the minimum requirements and specifications of the Zoning Ordinance of the Town of Chesapeake City, Maryland, adopted 9.1998. It is the responsibility of the applicant, owner or agent to comply with the requirements of the Zoning Ordinance and any special conditions contained herein.

Penalties for violations are indicated in Article VII of the Ordinance:

This Application must be completed in full or it will be returned and not acted upon.

Any decision in this permit process may be appealed within twenty (20) days to the Board of Zoning Appeals at P O Box 205, Chesapeake City, MD -21915.

I understand the information and contents stated previously.

Signature of owner or agent:

[Handwritten Signature]

Date 3.2.07

Special Conditions

Disapproved because the change was to go through a variance hearing by the Appeals Board of CC.
[Signature]

This application is APPROVED DISAPPROVED on this date 3/7/07

By Frank Stief Title Chairperson Fees \$ 15.00
pd. *[Signature]*

IN THE MATTER OF
THE APPLICATION OF
M & M, INC. (CHESAPEAKE INN)
(Variance)

BEFORE THE CHESAPEAKE CITY
BOARD OF APPEALS

OPINION

This is an application received from M & M, Inc. (Chesapeake Inn) for approval of a variance to change the use of an existing nonconforming use located at 605 Second Street. The present zoning of the property is VC, is designated Intense Development Area within the Critical Area, and is within a Buffer Exemption Area.

Under the provisions of Article V, Section 72 of the Chesapeake City Zoning Ordinance, the Board of Appeals may grant a variance "...if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done." The Board may reach these conclusions if it finds that:

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property.
2. That special conditions or circumstances exist that are peculiar to the subject property or structure and that a strict enforcement of the provisions of this Ordinance would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.
3. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
4. The hardship relates to the applicant's land, rather than personal circumstances.
5. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

6. The hardship is not the result of the applicant's own actions.
7. That strict enforcement of the provisions of this Ordinance would deprive the property owner of rights commonly shared by other owners of property in the area.
8. That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the zoning district.
9. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming which are related to adjacent parcels.
10. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the critical area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical area law and regulations.
11. That the greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.
12. That the proposed variance is consistent with the Town of Chesapeake City Comprehensive Plan.
13. The variance will neither result in the extension of a non-conforming situation in violation of Article VIII nor authorize the initiation of a non-conforming use of land.

The owner of the subject property, trading as the Chesapeake Inn, seeks approval to enclose a previously existing veranda. Applicant received approval for the original deck/veranda in March, 1999 (see Applicant's exhibit #8). At the time of the approval no mention was made of the Buffer Exemption Area (see Applicant's exhibit #9).

Applicant also testified that the area under the area has always been impervious surfaces such as concrete and/or asphalt. Plans submitted by the Applicant to both the Town and Cecil County showed the veranda being closed with an asphalt roof.

Frank Hill, chairman of the Town of Chesapeake Planning and Zoning Commission, testified that the existing veranda is non-conforming since it does not meet the required setback (12 feet). As a result the Applicant needs a variance and approval from the Board of Appeals.

Testimony from the Applicant and Mr. Hill demonstrated that in January, 2007 members of the Planning and Zoning Commission visited the site. Although construction was not complete at the time of this visit, walls were constructed and it was apparent that the intent of the Applicant was to enclose the veranda.

In February, 2007 the Planning and Zoning Commission approved Applicant's request to enclose the veranda. Mr. Hill further testified that subsequent to this approval the Planning and Zoning Commission realized that due to the non-conforming situation Applicant needed approval from the Board of Appeals. As a result in March, 2007 the Planning and Zoning Commission rescinded its earlier approval but did not issue any stop work orders.

Mr. Hill testified that in March, 2007 the Planning Commission recommended that the veranda remain open and that the permanent wall be moved beyond the 12' setback. Upon being questioned Mr. Hill testified that no new facts had been developed between the time of the Planning and Commission's earlier approval in February and its reconsideration in March.

Various individuals spoke both in favor of and against the application.

From the evidence presented the Board finds that the original veranda was a structure as defined by the Chesapeake City Zoning Ordinance. This structure was permitted to be located within the setback area.

The Board also finds that the current structure, which is an enclosure of the existing structure/veranda, is located in the same footprint as the original veranda which was approved by the Town in March, 1999.

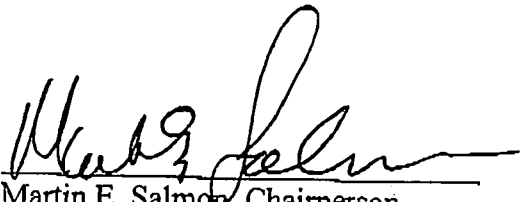
The Board further finds that when the site was inspected by the Planning and Zoning Commission in January, 2007 it was apparent by existing construction that Applicant intended to

enclose the original veranda. With this knowledge Planning and Zoning approved Applicant's application in February, 2007.

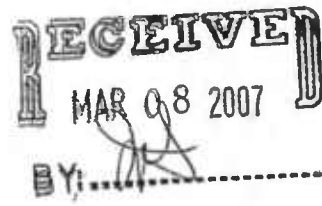
The Board finds that due to the above approvals, both in March 1999 and February, 2007, Applicant will suffer an unwarranted hardship if required to remove existing construction and walls. Also, the Board finds that the area below the original veranda was impervious surfaces (concrete and/or asphalt) and the enclosure of the veranda does not have any detrimental effect on the environment nor does it increase the amount of impervious surface previously approved by the Town in 1999.

By a vote of three in favor and two against, the Board hereby **APPROVES** Applicant's application for change of use to enclose the existing veranda.

Date: 4/16/07


Martin E. Salmon, Chairperson

KEITH A. BAYNES
ATTORNEY AT LAW
10 EAST MAIN STREET
ELKTON, MD 21921
410.398-6333



**BOARD OF APPEALS
TOWN OF CHESAPEAKE CITY, MARYLAND**

This request is for:

- Special Exception ()
- Variance (X)
- Appeal ()

Date Filed: 3-8-07
 Amt. Pd. \$ 150-
 Accepted by: _____

A. APPLICANT INFORMATION:

Name of Applicant MIM INC. - CHESAPEAKE INN RESTAURANT
 Address 605 SECOND ST CHESAPEAKE CITY Phone 410 805 2040
 Signature Kulat / GIANMARCO MARTUSCELLI
 (Print Name Clearly)

B. PROPERTY OWNER INFORMATION:

Name of Property Owner Gianmarco Martuselli
 Address 74 Montague Rd Newark De 19711 Phone 302.545.3342
 Signature Kulat / GIANMARCO MARTUSCELLI
 (Print Name Clearly)

C. PROPERTY INFORMATION:

Location 605 SECOND ST Historic area? N/A Election District _____
 Tax Map # 200 Block --- Parcel 81 Lot# --- #Acres 32,70.00 Zoning VC

D. Land Use Designation in the Critical Area (if Applicable): YES IDA
 (a) Provision of the Chesapeake Bay Critical Program under which this application is being submitted (if applicable): _____

E. Floodplain Zone (if parcel in 100 Yr Floodplain) ZONE A12

F. Provision of Zoning Ordinance under which this application is submitted (Section & Paragraph) ARTICLE IX, PART IV, SECTION 136

G. Purpose of this application (describe). Indicate the reasons why the applicant feels this request should be granted (if additional space required, please attach separate sheet):
SEE NEXT PAGE

H. On attached sheet, sketch location of proposed project on property, show distances from front, side and rear property lines, and dimensions of project. If in Critical Area, request for special exception, variance and/or appeal will not be considered until all provisions and requirements are met as outlined in Article IX Part IV Chesapeake City Zoning Ordinance 1998.

- ① THE TOWN GAVE ME PERMISSION TO BUILD AN OPEN DECK (I.E. VERANDA) IN 1999. IT WAS BUILT IN THE CRITICAL AREA AND APPROVED.
- ② THE SAME DECK (ACTUALLY SMALLER) IS NOW ENCLOSED. (ON MY EXISTING PERMITS FOR THE BALLROOM, I HAVE THE VERANDA HAVING A ROOF ON IT) DURING CONSTRUCTION, I INSTRUCTED THE BUILDER TO STUCCO IT TO MAKE IT ALL LOOK THE SAME, INSTEAD OF MAKING IT LOOK LIKE AN ADDITION. BEFORE HE COULD STUCCO IT, HE SAID I WOULD NEED WINDOWS, THEREFORE ENCLOSING IT. I AM ^{NOT} CHANGING WHAT IT DID BEFORE AND THE PAST SEVEN YEARS, I AM ACTUALLY EXTENDING THE LIFE OF IT FROM SIX MONTHS A YEAR TO ALL YEAR ROUND USAGE. PLEASE CALL ME FOR A MORE THOROUGH EXPLANATION.

Julia
3.8.07



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

2

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

December 22, 2005

Mr. John B. O'Connell
O'Connell Management, Inc.
2000 S. College Avenue
Newark, DE 19702

Dear Mr. O'Connell:

I have reviewed the architectural drawings you sent me regarding the Banquet Room addition to Chesapeake Inn at Chesapeake City. The plans do not meet the Town of Chesapeake City's floodplain management ordinance with regard to an enclosed area below the 100-year flood elevation. You are reminded that an area below the 100-year flood elevation is **strictly limited** in use to parking of vehicles and **limited** storage. In addition, there are past issues that must be resolved before a permit may be issued for any new construction.

Before further consideration of your request for a permit may proceed, you must provide Chesapeake City with the following:

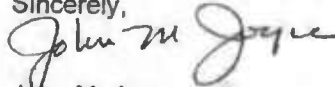
- ✓ 1. A signed copy of the agreement among the Town, Maryland Department of the Environment, and the Owner regarding the noncompliant improvements that were made under the existing building.
2. A recorded document against the deed to the property that the improvements made under the existing building are not in compliance with Chesapeake City's floodplain management ordinance, and may not be: (1) further improved, or, (2) repaired from substantial damage due to any cause, without coming into compliance with the Town's floodplain ordinance.
3. Proof, to the Town's satisfaction, that all other conditions of the agreement have been met.
4. Revised plans showing that areas below the Flood Protection Elevation of 13 feet will be kept open. A decorative wall along the road side of the building may be allowed, provided the two remaining sides are kept open.

John B. O'Connell, Sr
December 22, 2005
Page 2

Maryland Department of the Environment and the Town of Chesapeake City have discussed these items and agree that the above items must be properly addressed before any further consideration may be given to issuance of a permit for further expansion of the Chesapeake Inn.

Thank you for the opportunity to review your plans and address the floodplain concerns. If you have further questions, I may be reached at (410) 537-3914.

Sincerely,

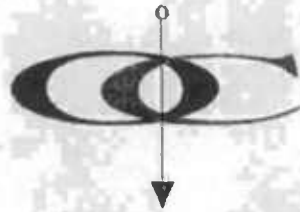


John M. Joyce,
State NFIP Coordinating Office

JMJ

Cc: Ms. Patricia Garrett, Town of Chesapeake City
Mr. John B. O'Connell, Jr.

2000 S. COLLEGE AVENUE
NEWARK, DE 19702
PH 302-454-0190
FX 302-454-0192



COMMERCIAL & RESIDENTIAL
DESIGN AND ENGINEERING
CONSTRUCTION MANAGING
GENERAL CONTRACTING

4

J. B. O'Connell & Son, Inc.

December 1, 2003

Town of Chesapeake City
108 Bohemia Ave.
Chesapeake City, MD 21915

Re: Chesapeake Inn Generator System
Subj: Council Meeting 12-3-03

Dear Councilman:

Please be advised that prior to installation of generator Pat Conroy was consulted to see if a permit and subsequent inspection was required, and his comment was that he had never issued a permit for a generator system in this county and did not see why I needed one. The generator plant is really considered to be a secondary utility for which there is no code requirement.

Since I knew inherent condition of lot and soils, I engineered a foundation which would support the weight of the generator and its fuel storage. In discussing the specifications of the generator with Wally Granger and Carmen Romano of CPR Electric, I determined that the only requirement would be that the generator be placed at least 6" above flood elevation as shown on plan, where in fact it is, 12" above.

I would like to apologize for my error in not consulting with Chesapeake City before installing the generator system, but I thought that I did not need to further pursue permitting or inspection.

I am now requesting a permit from Chesapeake City to continue with the installation of the generator system.

Sincerely,

John B. O'Connell
J. B. O'Connell

cc: Council Members
Gianmarco Martuscelli

Encl: Copy of Plot Plan
Detail of Foundation Plan

*also attached
with all specifications
to give in
- approved fuel
- no storage
- installed*



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

February 9, 2007

Mr. Gerry Robertson
Town Administrator
Town of Chesapeake City
108 Bohemia Avenue
P.O. Box 205
Chesapeake City, MD 21915

Re: Chesapeake Inn Banquet Addition

Dear Gerry:

I've reviewed my documents regarding Critical Area approvals and the information presented at Wednesday's Planning Meeting. Based on this information and documented approvals granted for the Chesapeake Inn, I offer the following:

1. It appears that the deck that was allowed to be constructed is being converted to an enclosed room. It also appears that the area beneath the "veranda" will also be enclosed. This structure does not appear to be on the plan approved for the new banquet facility. Since this area appears to encroach in the Buffer (although no new impervious surface will be created), additional mitigation or variance may be required. Since we will be meeting on Tuesday, February 13 to discuss this project, I don't feel comfortable making any final recommendation. The plans Mr. O'Connell presented does not give adequate information on the addition in relation to the approved site plan. Should the Town allow construction to continue, the developer should be informed that the veranda may not be in compliance with the Town's Critical Area regulations and mitigation and/or variance may be necessary for compliance.
2. It appears that the installation of a permanent tiki bar and generator may not be in compliance with the Critical Area or Floodplain regulations. Based on discussions with Mr. Joyce from MDE, there are numerous outstanding issues that must be resolved that were a condition to approving the site plan for the banquet facility. It is recommended, that all these issues are resolved prior to any occupancy permit being issued.

As mentioned at the conclusion of the Planning Commission meeting, I believe it is important for the Town to implement procedures for review of projects requiring site plan approval. This will help monitor site plan reviews, changes and approvals at various steps of a project. Since I've been working with the Town, the Planning Commission has been very responsible in their duties. Implementing these procedures will be helpful in providing the necessary tools for the Planning Commission to perform their important responsibilities.

If you should have any questions, feel free to give me a call.

Sincerely,

Mary Ann Skilling
Critical Area Circuit Rider

Copy: Kate Schmidt, Critical Area Commission
John Joyce, MDE



Maryland Department of Planning
Upper Eastern Shore Regional Office

Mary Ann Skilling
Natural Resource Planner
120 Broadway, Suite 10
Centreville, Maryland 21617
410-819-4080
Fax 410-819-4090
410-556-6262
Fax 410-556-6280

FAX/MEMORANDUM

TO: Kate Schmidt
FROM: Mary Ann Skilling
DATE: 3/1/07
RE: Chesapeake Inn

The Tuesday meeting was very interesting and apparently became confrontational. I left at 11:30 and apparently things got hot after that. The county code enforcement inspector was also present and there were several things that were done that were not on his plan and did not meet fire regulations or provide proper venting. I mentioned that we would get a letter to the Town expressing the CA concerns. The following are ones in which I believe we should address.

1. In order to comply with the Town's Critical Area BEA provisions, a variance for all new structures in the Buffer that were not previously approved by the CAC - this includes the tiki bar (approximately 10' x 40' = 400 sf, and the veranda enclosure that extends to the bulkhead (approximately 6'x40'=240 sf) and the generator pad (approximately 8'x10'=80 sf). It seems the process of getting a variance at this point is redundant. The Board of Appeals will approve the variance and we aren't going to make them remove the veranda. It may be best just to fine them. Check with Ren.
2. According to the Town's Critical Area Ordinance, "An applicant who cannot comply with the planting or offset requirements herein are required to pay into a fee in-lieu program as follows: (1) For each foot of the Buffer Exemption Area disturbed, \$1.20 and (2) For any required planting that cannot be implemented on site, \$.40 per square foot. Approximately 720' mitigation at a 2:1 replacement (720x2=1,440 sf) at \$1.20 equals \$1,728. If we use the square footage of the veranda forward of the approved structure, the calculations would be as follows: 240 sf. x 2 x .40 = 192.00.

I believe there will be some strong measures coming from MDE regarding floodplain issues. There was a representative from FEMA as well as John Joyce at the meeting. Unfortunately this is the second time Chesapeake Inn has been in hot water with FEMA and now they are requiring deed restrictions that state the building is not in compliance with floodplain requirements.

Let me know how you want to proceed.

EXISTING RESTAURANT

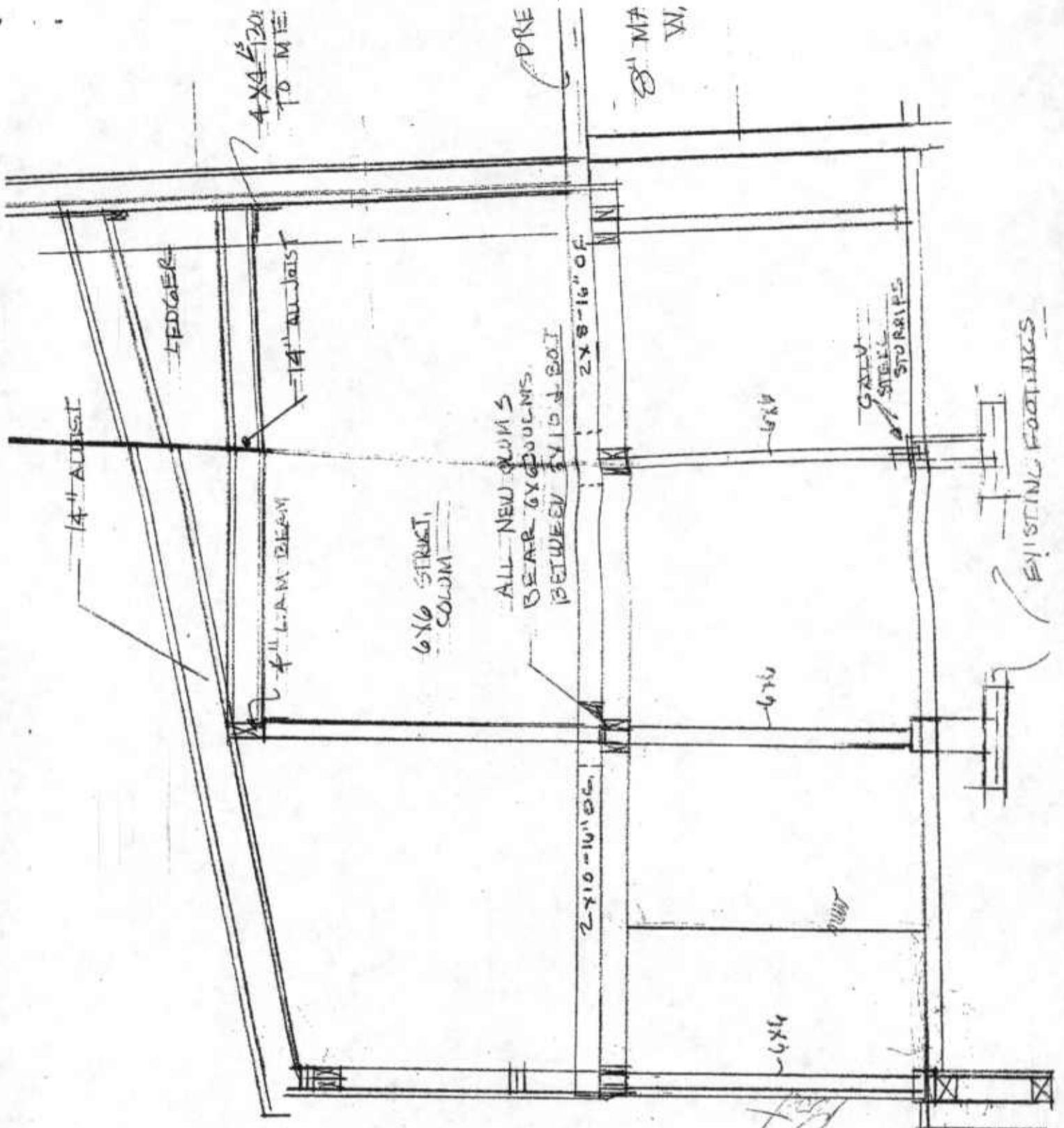
2 HR FIRE WALL UL-NO.0425

2 LAYER 5/8 GYP

EACH SIDE

6" MET. STUDS

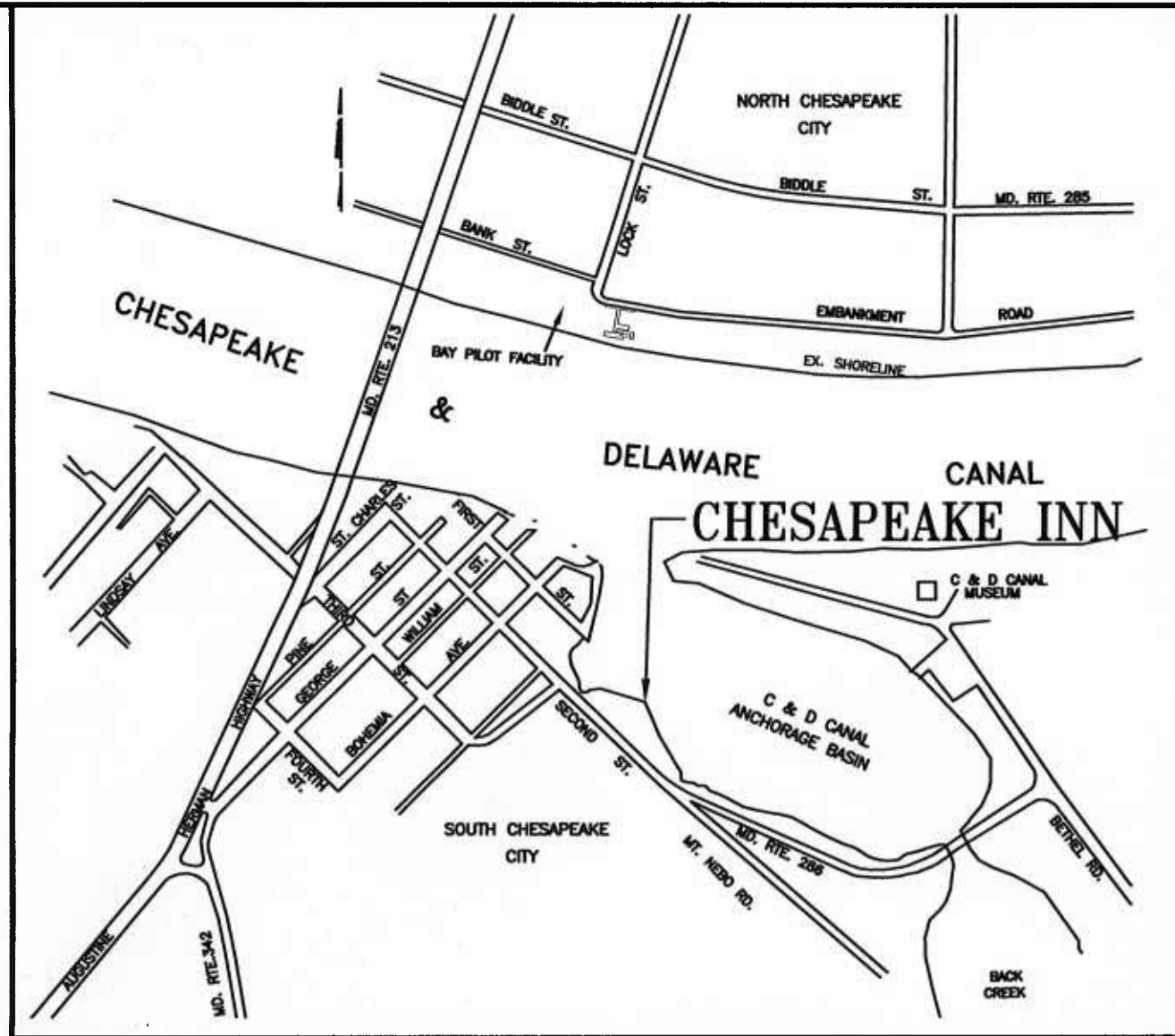
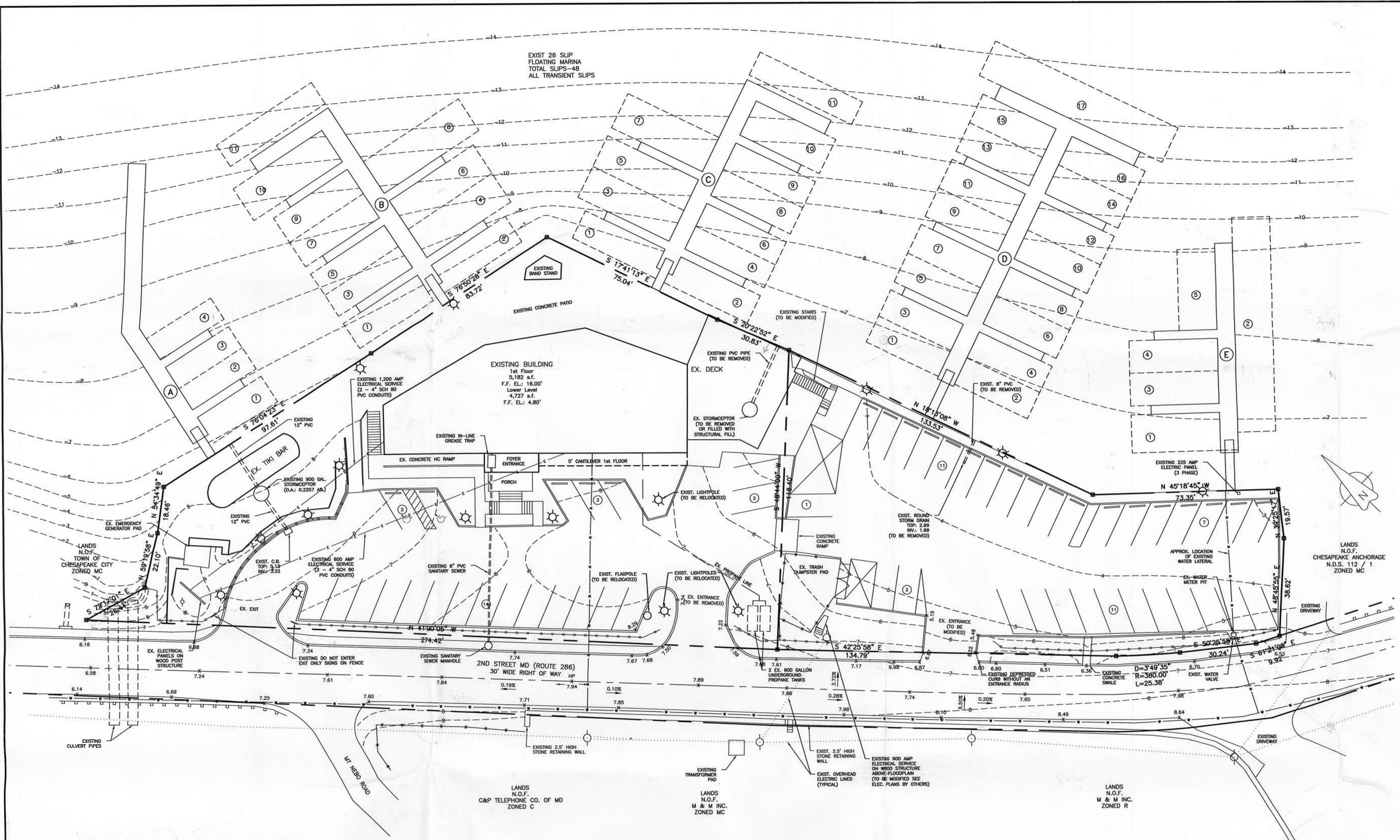
*Committed to
Quality Work
100% Satisfaction*



10'0"

Handwritten note

Handwritten note



LOCATION MAP SCALE: 1" = 750'

- SITE DATA:
- OWNER ADDRESS: M & M INC. CHESAPEAKE INN AND MARINA 605 SECOND STREET CHESAPEAKE CITY, MD 19711 (410) 885-2040
 - CONTRACTOR ADDRESS: O'CONNELL MANAGEMENT INC. 2000 S. COLLEGE AVENUE NEWARK, DE 19711 (302) 454-0190
 - TAX PARCEL NUMBER: EX - MAP 200, GRID 00, PARCEL 0081 ADDED - MAP 200, GRID 00, PARCEL 0371
 - SOURCE OF TITLE: W.L.B. 559/42
 - ADC MAP COORDINATES: MAP 18 GRID E-10
 - DATUM: N.G.V.D.
 - SITE ANALYSIS:

SITE AREA - EX. PARCEL	0.68 AC
SITE AREA - ADDED PARCEL	0.37 AC
TOTAL SITE AREA	1.05 AC
TOTAL AREA TO BE DISTURBED	0.364 AC
EXISTING IMPERVIOUS AREA	0.1375 AC
EXISTING VEGETATIVELY STABILIZED AREA	0.9125 AC
PROPOSED IMPERVIOUS AREA	0.1404 AC
PROPOSED VEGETATIVELY STABILIZED AREA	0.9096 AC
 - ESTIMATE CUT VOLUME: 0.0 CY
ESTIMATED FILL VOLUME: 0.0 CY
 - THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL NATURAL AREA.
 - SOIL SURVEY: PER THE CECIL COUNTY, MARYLAND SOIL SURVEY, DECEMBER 1973, MAP 32, THE ENTIRE SITE CONSISTS OF (Tm) TIDAL MARSH, THROUGH THE YEARS, A BULKHEAD AND HYDRAULIC FILL HAVE CREATED MADE LAND.
 - FLOODPLAIN: ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF CHESAPEAKE CITY, CECIL COUNTY, MD, DATED JUNE 16, 1992, THIS SITE FALLS WITHIN ZONE "X" WHICH IS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.

EXISTING CONDITION SITE PLAN

SHEET INDEX

TITLE SHEET	ES
LINE & GRADES AND EROSION & SEDIMENT PLAN	SHEET 1 OF 6
E & S CONTROL DETAILS AND SPECIFICATIONS	SHEET 2 OF 6
E & S CONTROL, SWM BMP AND ENTRANCE DETAILS	SHEET 3 OF 6
LANDSCAPE PLAN	SHEET 4 OF 6
ENTRANCE PLAN	SHEET 5 OF 6
	SHEET 6 OF 6

LEGEND

EXISTING	PROPOSED
--- 72 ---	--- 72 ---
72x00	SPOT GRADE (72.00)
---	CURB
---	SIDEWALK
[]	BUILDING
---	STORM SEWER
W	WATER
N/A	STRAW BALE BARRIER
N/A	LIMITS OF DISTURBANCE
N/A	INLET PROTECTION

SEDIMENT CONTROL BMP TABLE

STRAW BALE BARRIER	97 L.F.
AT GRADE INLET PROTECTION	1 CATCH BASINS
STABILIZED CONSTRUCTION ENTRANCE	1 SCE

NOTE: INSTALL AS NEEDED TO PREVENT EROSION. COVER STOCKPILES IF POSSIBLE AND USE STRAW BALES TO PREVENT EROSION ON PAVED AREAS.

MISS UTILITY DELMARVA

CALL 3 DAYS BEFORE YOU DIG
1-800-282-8555 (in Del.)
PROTECT YOURSELF

*** CAUTION ***
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

OWNER'S/DEVELOPER'S CERTIFICATION

I/We hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan and that any responsible personnel involved in the construction project will have a certification of training at a Maryland Department of the Environment approved training program for the control of sediment and erosion before beginning the project. I hereby authorize the right of entry for periodic on site evaluation by the Cecil Soil Conservation District or their representatives and the State of Maryland, Department of the Environment, Compliance Inspectors.

I hereby certify that development and/or construction will be done according to this plan of development and plan of erosion and sediment control.

Owner/Developer Signature: Gianmarco Martuscelli, Sec. M & M Inc. Date: 11/29/05

DESIGN CERTIFICATION

I hereby certify that all erosion, sediment and erosion control measures shown on these plans have been designed in accordance with the 1994 MD Standards and Specifications for Erosion and Sediment Control or current revisions thereof.

Designer Signature: John B. O'Connell, Jr. Date: 11/29/05
Professional Engineer, Maryland Registration No.: 26669

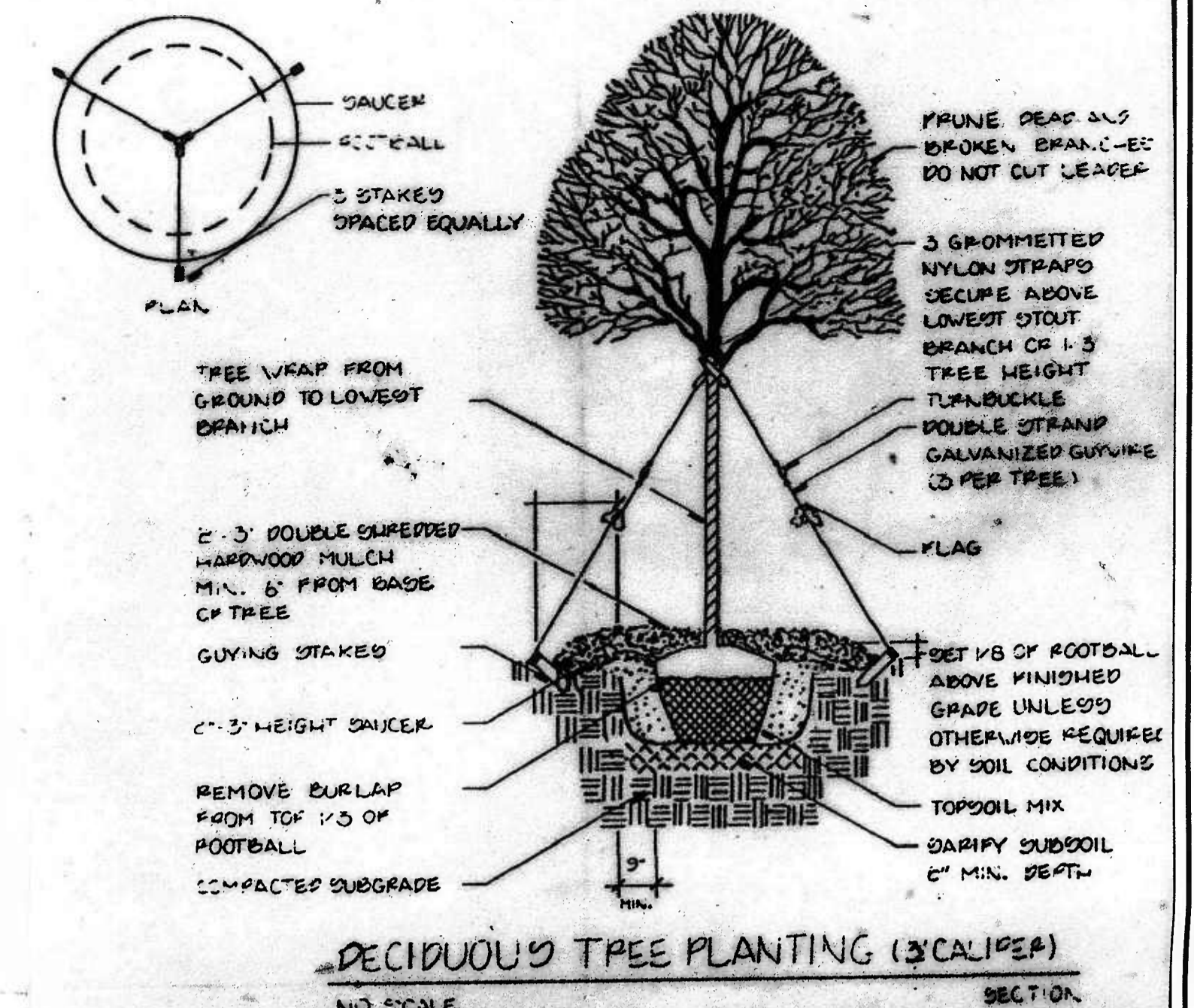
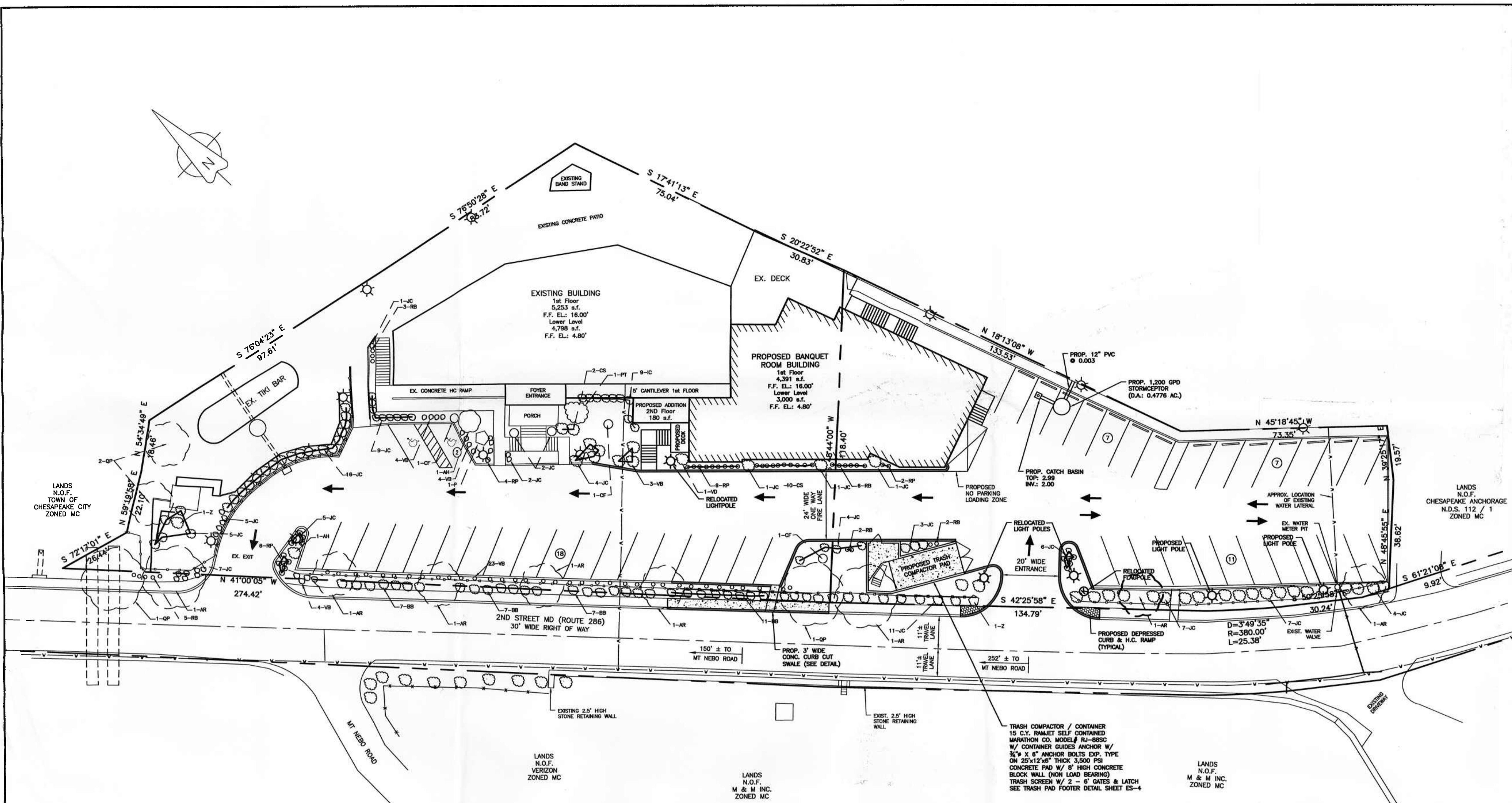
TITLE SHEET FOR
CHESAPEAKE INN & MARINA
TOWN OF CHESAPEAKE CITY
CECIL COUNTY, MARYLAND

John B. O'Connell, Jr., P.E.
Architectural & Civil Engineering
323 Jessica Drive
Middletown, DE 19709
Phone: (302) 378-3068 Fax (302) 376-1980

Date: 10-11-05 Drawn By: J.B.O.
Job No.: 1170 Checked By: J.B.O.

SCALE: 1" = 20'

APPROVED BY: _____ Drawing No. ES-1



- GENERAL NOTES:**
- EXISTING ZONING: MARITIME COMMERCIAL
 - CRITICAL AREA DESIGNATION: LDA (NON-CONFORMING LOT)
 - PROJECT PURPOSE: PROPOSED BANQUET BUILDING
 - SITE DATA:
 - TOTAL PARCEL AREA: 1.05 AC.
 - EXISTING IMPERVIOUS SURFACE: 0.9125 AC.
 - EXISTING LANDSCAPE AREA: 0.1375 AC.
 - PROPOSED IMPERVIOUS AREA: 0.1404 AC.
 - PROPOSED LANDSCAPE AREA: 0.9096 AC.
 - PROPOSED BUILDING FOUNDATION: 4,391 S.F.
 - PREVIOUS CHESAPEAKE BAY CRITICAL AREA PLAN, DATED NOVEMBER 1995, BY BIOTA ENVIRONMENTAL DESIGN AND RESTORATION.
 - NO AREAS OF NON-TIDAL WETLAND HAVE BEEN IDENTIFIED ON-SITE.
 - THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON-SITE.
- STORMWATER MANAGEMENT/WATER QUALITY NOTES:**
- RUNOFF FROM PROPOSED FIRST HALF INCH OF RUN-OFF FROM THE POST DEVELOPMENT IMPERVIOUS SURFACE IS TO BE MANAGED IN AN UNDERGROUND FACILITY. WE REPLACED EXISTING 900 GALLON STORMCEPTOR WITH A 1,200 GALLON STORMCEPTOR UNIT.
 - A 2 PERCENT +/- REDUCTION IN THE OVERALL PAVED SITE AREA HAS BEEN PROPOSED. THIS AREA IS TO BE LANDSCAPED AS SHOWN.

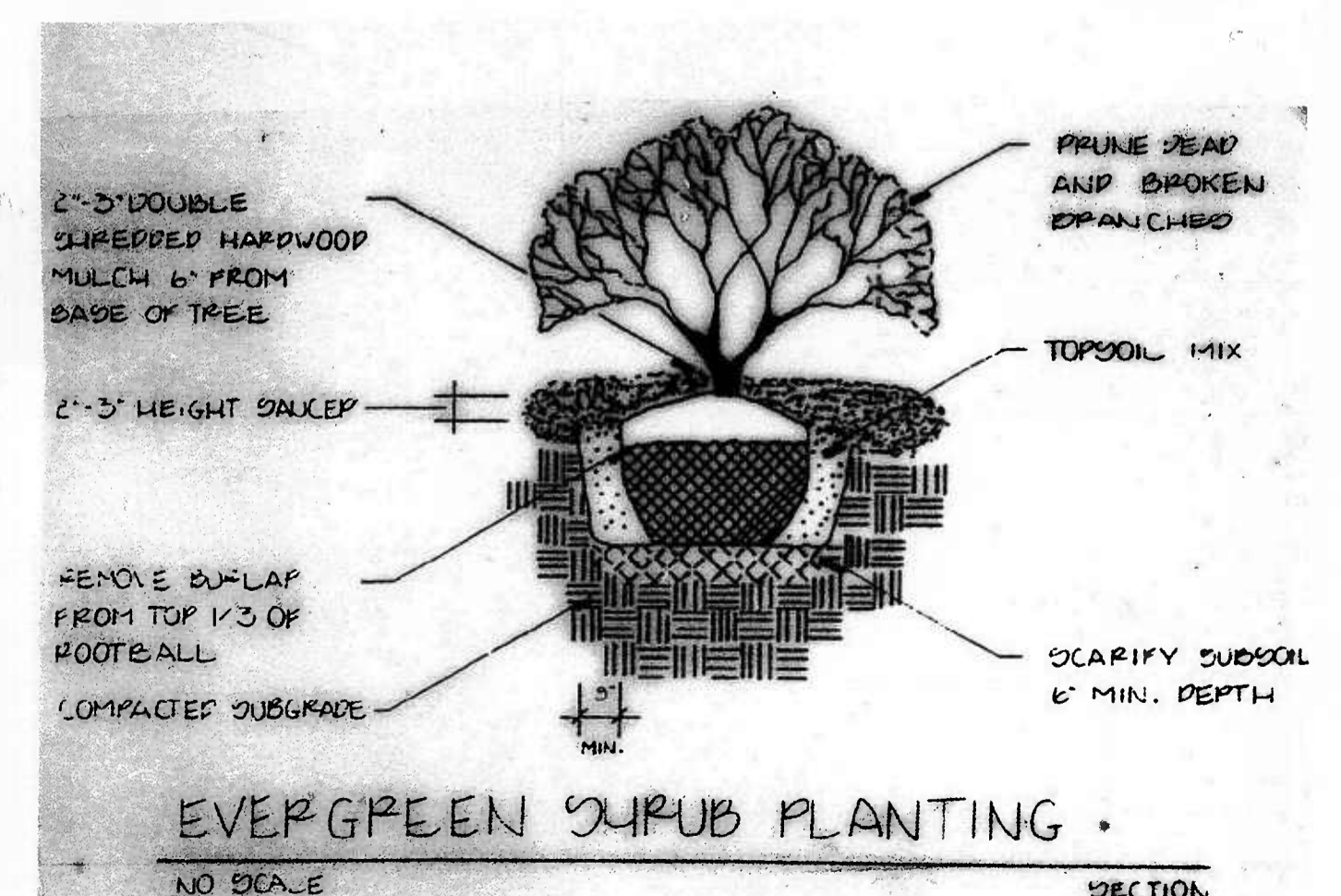
PLANT SCHEDULE

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
TREES					
AR	7	ACER RUBRUM	RED MAPLE	2" CAL.	BB
CF	3	CORNUS FLORIDA	FLOWERING DOGWOOD	1-1 1/2" CAL.	BB
QP	4	QUERCUS PALUSTRIS	PIN OAK	2" CAL.	EX
P	1	PRUNUS	PURPLE PLUM	1-1 1/2" CAL.	EX
Z	2	ZELKOVA SERRATA	ZELKOVA	2" CAL.	EX
PT	1	PINUS THUMBERGII	JAPANESE BLACK PINE	EX. SPECIES ?	FALL
SHRUB					
CS	12	CORNUS SERASS	RED OISER	24" HT.	CONT.
JC	101	JUNIPER CHINENSIS VAR. SARGENTI SCOPUTORUM	SARGEANT/ PARSONS JUNIPER "SKY ROCKET"	24" HT.	BB/CONT.
BB	32	VIBURNUM X. BURWOODI	BURNINGBUSH	18-24" HT.	CONT.
VB	38	VIBURNUM X. BURWOODI	BURKWOOD VIBURNUM	24" HT.	BB/CONT.
VD	1	VIBURNUM DILATETUM	LINDEN VIBURNUM	30" HT.	BB/CONT.
RP	19	RHODODENDRON	P.J.M. AZALEA	24" HT.	BB/CONT.
RB	29	ROSA "BLAZE"	CLIMBING ROSE	18" HT.	BB
SP	2		SPRUCE VARY SPECIES	8' HT.	
IC	9	ILEX CRENATA	HYBRID AMERICAN HOLLY	6' HT.	EX.
AH	2				
GROUND COVER					
L	130	LIRIOPA MUSCARI	BIG BLUE	1/2 CAL. (18" O.C.)	CONT.

KEY

BB	BALLED AND BURLAPPED	CAL.	CALIPER
CONT.	CONTAINER	GAL.	GALLON
HT.	HEIGHT	EX.	EXISTING
O.C.	ON CENTER		

- PROPOSED CONDITION SITE PLAN**
- NOTES:**
- ALL PLANT MATERIAL SHALL CONFORM WITH AMERICAN ASSOCIATION OF NURSERYMEN, INC. STANDARDS AND BE NURSERY GROWN.
 - PLANT PROCEDURES AND SPECIFICATIONS SHALL CONFORM WITH THE "LANDSCAPE" SPECIFICATION GUIDELINES FOR THE "BALTIMORE-WASHINGTON METROPOLITAN AREA" LATEST EDITION.
 - CONTRACTOR SHALL VERIFY LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD AND BE RESPONSIBLE FOR THEIR PROTECTION DURING PLANTING OPERATION. ADJUSTMENTS IN PLANT SPACING AND LOCATION SHALL BE MADE AS NECESSARY TO AVOID CONFLICTS WITH UTILITIES. MISS UTILITY SHALL BE CONTACTED PRIOR TO THE INITIATION OF WORK.
 - CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS FOR EXECUTING THE PLANTING PLAN.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING AREAS ADJACENT TO THE PLANTING AREAS DISTURBED OR DAMAGED AS A RESULT OF PLANTING OPERATION.
 - CONTRACTOR SHALL RESTORE ALL DISTURBED OR DAMAGED LAWN AREAS WITHIN 50 FEET OF THE PLANTING AREAS AND RECOMMEND AN APPROPRIATE SEED MIX AS PER SOIL AND SITE CONDITIONS.
 - ALL GROUNDWATER PLANTING AREAS SHALL BE MULCHED WITH A MINIMUM OF 3 INCHES OF SHREDDED HARDWOOD BARK. TREES AND SHRUBS SHALL BE INSTALLED IN ACCORDANCE WITH PLANTING DETAILS.
 - CONTRACTOR SHALL WARRANT THAT ALL PLANT MATERIALS WILL BE HEALTHY AND IN FLOURISHING CONDITION OF ACTIVE GROWTH ONE YEAR FROM DATE OF INITIAL ACCEPTANCE.
 - FINAL ACCEPTANCE WILL BE GIVEN TO THE CONTRACTOR ONE YEAR FROM DATE OF INITIAL ACCEPTANCE BY THE OWNER.



LANDSCAPE PLAN
FOR
CHESAPEAKE INN & MARINA
TOWN OF CHESAPEAKE CITY
CECIL COUNTY, MARYLAND

<p>John B. O'Connell, Jr., P.E. Architectural & Civil Engineering 323 Jessica Drive Middletown, DE 19709 Phone: (302) 378-3088 Fax: (302) 376-1980</p>		Date: 11-22-05	Drawn By: J.B.O.
		Job No.: 1170	Checked By: J.B.O.
<p>SCALE: 1" = 20'</p>		<p>APPROVED BY</p>	
Revision	Date	<p>Drawing No. ES-5</p>	

